



SCOTTSDALE PLANNING COMMISSION
STUDY SESSION AGENDA
CITY HALL KIVA
3939 N DRINKWATER BLVD
SCOTTSDALE, ARIZONA
JUNE 11, 2003
3:45 PM

1. CALL TO ORDER
2. ADMINISTRATIVE REPORT – RANDY GRANT
3. TONTO FOOTHILLS AREA UPDATE – KROY EKBLAW
4. UPDATE ON SIGN ORDINANCE – KROY EKBLAW
5. REVIEW OF JUNE 11, 2003 AGENDA
6. REVIEW OF JUNE 25, 2003 TENTATIVE AGENDA
7. ADJOURNMENT



DRAFT
SUBJECT TO CHANGE
TENTATIVE AGENDA
SCOTTSDALE PLANNING COMMISSION
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
JUNE 25, 2003
5:00 P.M.

5-AB-2003 (Ayoub Residence) request by Jesse McDonald, applicant/owner, to abandon a portion of Mountain View Road alignment located on the north side of Mountain View Road and west of 116th Street. Staff contact person is Cheryl Sumners, 480-312-7834. **Applicant contact person is Jesse McDonald, 602-527-3310.**

Comments: This request is to abandon a roadway easement existing along the Mountain View Road alignment which is not used as part of the city's circulation plan. The planned street and existing improvements for Mountain View Road curve to the south instead of following this subject roadway alignment.

52-ZN-1997#2 (Osborn Commons) request by Scottsdale Osborn Holding Corporation, applicant, Dee Ann Skipton, owner, for a site plan amendment to 52-ZN-1997 on a 1.7 +/- acre parcel located at the northwest corner of Osborn Road and Bishop Lane with Downtown/Office Commercial Type 2 (D/OC-2) zoning. Staff contact person is Bill Verschuren, 480-312-7734. **Applicant contact person is Patrick Logue, 480-425-8500.**

Comments: This request is for a site plan change to a 48-unit apartment/condominium project.

8-UP-2003 (Chevron Oil Stop) request by Gerald Deines Architect, applicant, Chevron, owner, for a conditional use permit for an Automotive Repair Facility on a .43 +/- acre parcel located at 7555 E Camelback Road with Highway Commercial (C-3) zoning. Staff contact person is Al Ward, 480-312-7067. **Applicant contact person is Ramin Bledsoe, 480-897-7145.**

Comments: This request is for a conditional use permit for Automotive Repair facility.

A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE FOLLOWING LOCATIONS:

Police Department, 9065 East Via Linda
City Hall, 3939 N. Drinkwater Boulevard
El Dorado Park & Recreation Center, 2311 N. Miller Road
Online at: <http://www.ScottsdaleAZ.gov/Boards/PC>

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

For additional information visit our web site at www.scottsdaleaz.gov



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the City Clerk's Office at 480-312-2412. Requests should be made as early as possible to allow time to arrange accommodation.



AGENDA
SCOTTSDALE PLANNING COMMISSION
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
JUNE 11, 2003
5:00 P.M.

ROLL CALL

MINUTES REVIEW AND APPROVAL

1. May 28, 2003

EXPEDITED AGENDA

2. 3-UP-2003 (Flickas Cantina) request by Land Development Services, applicant, Richard Funkey, owner, for a conditional use permit for Live Entertainment on a 1 +/- acre parcel located at 2003 N Scottsdale Road with Highway Commercial (C-3) zoning. Staff contact person is Bill Verschuren, 480-312-7734. **Applicant contact person is Tom Rief, 480-946-5020.**

Comments: This request is for a conditional use permit for Live Entertainment.

3. 4-UP-2003 (5th Avenue Parking) request by City of Scottsdale, applicant/owner, for a municipal use master site plan for a parking garage on a 1.6 +/- acre parcel located at 7143 E 5th Avenue with Central Business (C-2) zoning. Staff contact person is Kira Wauwie AICP, 480-312-7061. **Applicant contact person is Madeline Clemann, 480-312-2732.**
4. 6-UP-2003 (Mountainside Fitness Express) request by James Elson Architect, applicant, BWE 2000 LLC, owner, for a conditional use permit for a health studio in a portion of the 11.96 +/- acre parcel located at 9181 E Bell Road with Industrial Park (I-1) zoning. Staff contact person is Al Ward, 480-312-7067. **Applicant contact person is James Elson, 480-515-9332.**
5. 6-AB-2003 (Abandonment Of ROW) request by Mirage Investments, applicant, Jonathan Lurie, Evan Lurie & Justin Lurie, owners, to abandon the south 15 feet of the Black Mountain Road right-of-way and the south 445 feet of the west 20 feet of the 40 Feet N 81st Street right-of-way that abuts the subject property. Staff contact person is Pete Deeley, 480-312-2554. **Applicant contact person is Barry Markham, 602-577-3521.**

REGULAR AGENDA

6. 9-UP-2003 (Old Town Parking) request by City of Scottsdale, applicant/owner, for a municipal use master site plan for a parking garage on a 2.45 +/- acre parcel located at 7335 E Main Street with Central Business (C-2) and Highway Commercial (C-3) zoning. Staff contact person is Kira Wauwie AICP, 480-312-7061. **Applicant contact person is Corey Lew, 312-7769.**

SCOTTSDALE PLANNING COMMISSION

JUNE 11, 2003

PAGE 2

Comments: This request is for a municipal use master site plan for the development of the Old Town Parking Garage.

7. 4-ZN-2003 (Camelback Rezone) request by Land Development Services, applicant, Mindy Dow Productions, Andrew Charvoz & George Frances, owners, to rezone from Single Family Residential (R1-7) to Service Residential (S-R) on a 19,950 square feet area located at 7536, 7542 & 7548 E Camelback Road. Staff contact person is Al Ward, 480-312-7067. **Applicant contact person is Tom Rief, 480-946-5020.**

Comments: This request is to rezone to allow professional offices.

8. 1-TA-2003 (Downtown Overlay and Related Amendments) request by City of Scottsdale, applicant, to amend City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article I., Administration and Procedures., Section 1.403. Additional conditions for specific conditional uses., Article III., Definitions.; Section 3.100 General.; Article V., District Regulations., Section 5.3002. Conflict with other sections., Article IX., Parking and Loading Requirements., Section 9.104. Programs and incentives to reduce parking requirements., and Section 9.108 Special parking requirements in districts., and to add Article VI., Supplementary Districts.; Section 6.1200., (DO) DOWNTOWN OVERLAY. The Downtown area is generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west. **Applicant/Staff contact people are Randy Grant, 480-312-7995, and Monique De Los Rios-Urban, 480-312-7898.**

AND

9. 5-ZN-2003 (Downtown Overlay) request by City of Scottsdale, applicant, to apply the Downtown Overlay (DO) zoning to 750 +/- acres known as the Downtown area and generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west. **Applicant/Staff contact person is Monique De Los Rios-Urban, 480-312-7898.**

Comments: The primary purpose of the Downtown Overlay is to create new opportunities for the development or expansion of properties that do not have (D) Downtown zoning.

WRITTEN COMMUNICATION

ADJOURNMENT

David Gulino, Chairman
Eric Hess
Tony Nelssen
James Heitel

Steve Steinberg, Vice Chairman
David Barnett
Jeffery Schwartz

For additional information click on the link to 'Projects in the Public Hearing Process' at:
<http://www.ScottsdaleAZ.gov/projects>.



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the City Clerk's Office at 480-312-2412. Requests should be made as early as possible to allow time to arrange accommodation.



DRAFT MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
MAY 28, 2003

PRESENT: David Gulino, Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Tony Nelssen, Commissioner

ABSENT: Steve Steinberg, Vice Chairman
Jeffery Schwartz, Commissioner

STAFF: Pat Boomsma
Pete Deeley
Kurt Jones
Cheryl Sumners
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COMMISSIONER HEITEL read the opening statement, which describes the role of the Planning Commission and the procedures used in conducting this meeting.

MINUTES APPROVAL

April 8, 2003 Amended

May 14, 2003

COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE APRIL 8, 2003 AMENDED MINUTES AND THE MAY 14, 2003 MINUTES AS PRESENTED. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

CONTINUANCES

5-ZN-2003 (Downtown Overlay) request by the City of Scottsdale, applicant, to apply the Downtown overlay (DO) zoning to 750 +/- acres know as the Downtown area and generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west. **Continued to June 11, 2003.**

MR. JONES stated regarding case 5-AB-2003 the applicant has requested a continuance to the June 25, 2003 meeting. He further stated regarding case 52-ZN-1997#2 the applicant has requested a continuance to the June 25, 2003 meeting because they have some issues with the stipulations they would like to work out.

CHAIRMAN GULINO stated he has a card from Leon Spiro on case 5-AB-2003. He inquired if Mr. Spiro could come back on June 25, 2003. Mr. Spiro stated he would like to speak this evening on the case because he may not be able to attend the June 25th meeting.

COMMISSIONER HEITEL MOVED TO CONTINUE CASE 5-ZN-2003 TO THE JUNE 11, 2003 PLANNING COMMISSION MEETING. HE ALSO MOVED TO CONTINUE CASES 5-AB-2003 AND 52-ZN-1997#2 TO THE JUNE 25, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER BARNETT.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

INITIATION

9-UP-2003 (Old Town Parking Garage) request by City of Scottsdale, applicant/owner, to initiate a municipal use master site plan for a parking garage on a 2.45 +/- acre parcel located at 7335 E Main Street with Central Business (C-2) and Highway Commercial (C-3) District zoning.

MS. WAUWIE stated this is a request to initiate a municipal use master site plan for a parking garage on a 2.5 +/- acre parcel located at 7335 E. Main Street with Central Business (C-2) zoning. Staff recommends the initiation of the Civic Center site.

COMMISSIONER HEITEL MOVED TO INITIATE A MUNICIPAL USE MASTER SITE PLAN FOR A PARKING GARAGE ON A 2.5 +/- ACRE PARCEL LOCATED AT 7335 E. MAIN STREET WITH CENTRAL BUSINESS (C-2) ZONING. SECOND BY COMMISSIONER HESS.

CHAIRMAN GULINO stated he has a citizen comment card from Darlene Peterson so they will hold the vote until after Ms. Petersen has had a chance to speak.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

DARLENE PETERSEN, 7327 E. Wilshire Drive, stated she attended the open house and there is definitely a need for parking in this area and she is not against parking. However, the area between Bischoff's and the Little Red School House cannot be a parking garage. She further stated there were discussions about the alley and that alley has to be there for fire trucks. The beer and delivery trucks go in there and come out in this area so there can't be a parking garage there either. She cautioned them to be very careful with what they plan because they may be in more trouble than what they are in now. She reported they cannot get rid of the alley and that was discussion at the open house.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

CHAIRMAN GULINO reminded Ms. Petersen this is a request for the initiation of a master site plan and they are not discussing specific details this evening. He inquired if staff could respond to any of Ms. Petersen's concerns. Mr. Jones stated the request on the agenda is for an initiation so they cannot go outside of what is listed on the agenda. Chairman Gulino stated on June 11th the Commission will be hearing case 9-UP-2003 and at that time, they can address Ms. Petersen's comments.

CHAIRMAN GULINO called for the vote on the motion.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

CHAIRMAN GULINO reported cases 3-AB-2003 and 4-AB-2003 have been pulled to the regular agenda.

EXPEDITED AGENDA

3-AB-2003 (12148 E Mountain View Rd) request by Tina Price/Bruce Haseley, applicant/owner, to abandon a portion of 121st Place right-of-way and a Government Land Office (GLO) roadway easement north of Mountain View Road and west of 121st Place.

(PULLED TO REGULAR AGENDA.)

4-AB-2003 (Chalfin Residence) request by Sallie & Bradley Chalfin, applicant/owner, to abandon the west 33 feet and the north 8 feet of the south 33 feet General Land Office patent roadway and public utility easements for parcel 217-32-037C located east of 125th Street, north of Gold Dust Avenue.

(PULLED TO REGULAR AGENDA.)

5-AB-2003 (Ayoub Residence) request by Jesse McDonald, applicant, Jerry and Claudia Ayoub, owner, to abandon a portion of Mountain View Road alignment located on the north side of Mountain View Road and west of 116th Street. **Continued to June 25, 2003.**

76-ZN-1985#4 (Portales Stipulation #3) request by Anchor Forum Portales, applicant, Anchor National Life Insurance Company, owner, to delete stipulation #3 of Case 76-Z-85 on a 39.77 +/- acre parcel located at 4800 N Scottsdale Road with Downtown/Regional Commercial Office Type 2, Planned Block Development (D/RCO-2, PBD).

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

COMMISSIONER NELSEN inquired why that stipulation was originally put in the agreement. Ms. Wauwie stated it is her understanding that in 1985, there was a great interest on the part of the City to have a hotel development in the downtown area and that stipulation was put in to encourage that.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 76-ZN-1985#4 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

52-ZN-1997#2 (Osborn Commons) request by Scottsdale Osborn Holding Corporation, applicant, Dee Ann Skipton, owner, for a site plan amendment to 52-ZN-1997 on a 1.7 +/- acre parcel located at the northwest corner of Osborn Road and Bishop Lane with Downtown/Office Commercial Type 2 (D/OC-2) zoning. **Continued to June 25, 2003**

1-GP-2003 (Mirage Trail) request by Mirage Trail LLC, applicant/owner, for a General Plan amendment from Commercial to Urban Neighborhood on a 5.1 +/- acre parcel located at the southeast corner of Legend Trail Parkway and N Desert Ridge Drive.

43-ZN-1990#2 (Mirage Trail) request by Mirage Trail LLC, applicant/owner, to rezone from Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD) to Medium-Density Residential, Environmentally Sensitive Lands (R-3, ESL) on a 5.1 +/- acre parcel located at the southeast corner of Legends Trails Parkway and N Desert Ridge Drive.

MS. WAUWIE presented cases 1-GP-2003 & 43-ZN-1990#2 as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

TIM MONTGOMERY, 34894 N. 92nd Place, spoke in favor of the request. He stated he is a Board member for the Legend Trail community. He further stated since Mirage purchased this property they have worked very closely with the affected homeowners and the homeowner controlled Board of Directors. He remarked they are totally

supportive of this change in the reduction of density from 60 units down to 36 for sale private ownership condos. He thanked Mirage for being partner oriented in terms of setbacks, heights, landscaping, and other issues.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER NELSEN stated he appreciates the coordinated effort of working with all of the residents. This does seem to be an improvement.

COMMISSIONER NELSEN MOVED TO FORWARD CASES 1-GP-2003 & 43-ZN-1990#2 TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL SUBJECT TO THE ATTACHED STIPULATIONS AND FOLLOWING NOTE TO THE DR BOARD:

- **THE DR BOARD SHOULD LOOK VERY CLOSELY TO SEE IF THEY COULD MITIGATE ANY SUPERFLUOUS HEIGHT.**
- **PAY CLOSE ATTENTION TO THE DESIGN AND CHARACTER OF THE BUILDINGS.**

SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

REGULAR AGENDA

3-AB-2003 (12148 E Mountain View Rd) request by Tina Price/Bruce Haseley, applicant/owner, to abandon a portion of 121st Place right-of-way and a Government Land Office (GLO) roadway easement north of Mountain View Road and west of 121st Place.

MS. SUMNERS presented this case as per the project coordination packet. Staff recommends approval, subject to two stipulations:

1. Dedicate a 15-foot public trail easement along Mountain View Road.
2. Reserve a water and sewer line easement over, under, and across the east 20 feet of the subject 50 feet 121st Place right-of-way.

COMMISSIONER NELSEN inquired if the adjacent properties on either side east or west have abandoned those easements. Ms. Sumners replied she is not aware if those have been abandoned. She stated she has not researched the titles on those properties. Commissioner Nelsen stated the reason he asked is because these abandonments seem to go like dominos somebody in the neighborhood gets one and they seem to go on and on. He inquired how those structures got built in the GLO easement. Ms. Sumners stated she was not sure those buildings have been out there a long time. She request that the applicant address that question.

MS. PRICE, applicant, stated she does not know how long the building has been out there. They have owned the property for two years and they were there before they moved in.

COMMISSIONER HEITEL inquired if they have consent files from the five adjacent property owners to the west for abandonment of this portion. Ms. Sumners stated the property owner approached the immediate parcel to the west and each parcel to the east and the subdivision HOA to the north and obtained support and approval from all of those properties. They did not go to the three further to the east.

COMMISSIONER NELSEN stated his concern is that they have an option, if the city has not abandoned their interest i.e. the public interest in adjoining GLO patent easements that could present an opportunity for people to use that easement as a neighborhood trail. He further stated as it is they have their trail in a straight line adjacent to automobile traffic. He remarked those easements are for the benefit of other patentees in the community and we have not heard from those people.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

NORWOOD SISSON, 7431 E. Portland, stated he would like to read an email from John Aleo into the record:

“General Land Office (GLO) patent for roadway and public utility easement for subject parcel was created under federal law. There are no provisions in the federal law to abandon patent easements. The beneficial interest held by the “affected parties” in a patent easement is a private access and property right passed on through the deed. To block, impede, or interfere with a GLO patent easement is a violation of those rights and creates a material defect to the title. A standard lender’s title insurance policy doesn’t cover the ramifications created by the material defect. To issue a building permit to allow the erection of a permanent structure onto said patent easement is a violation of the federal law.

The “affected parties” are all those patentees and /or subsequent owners who own property in that GLO subdivided area, and all present, past, and future utility companies.

The city’s policy to abandon “their interest’ in any GLO patent easement doesn’t not give cause to assemble, re-plat, or rezone these GLO areas, nor justify the issuance of building permits to erect permanent structures onto said patent easements.

May the owner of subject property, utility companies, and all “affected parties” take heed to action that the city may take regarding subject GLO patent easement. “

LEON SPIRO, 7814 E. Oberlin Way, stated he would like to go on record as disapproving only of the 33 foot GLO patent roadway easement abandonment request. He further stated he has no objection of the 50-foot roadway easement going north. He presented information on case law as it relates to this issue. He also presented

information on federal law as it relates to this issue. He discussed the land issues and legal issues that relate to this issue. He inquired of staff when and by whom decided where the GLO patent roadway easements were on this GLO five-acre parcel and where they abandoned. He asked a series of questions regarding the structures that have been built on the easements in this area. He discussed the problems that result from buildings being built on the easements.

Mr. Spiro discussed the departmental check list for this case noting it has a disclaimer from the City Attorneys office that reads: The City Attorney's office in abandoning this GLO easement, the city is abandoning the public access rights, in accordance with the cases, which permit the governing body of the local government to make those decisions. The City's abandonment of a GLO easement does not include any determination of private rights, nor does the City's action release any private rights if they are later found to exist. Similar to other private easement rights, those are matters between private property owners". He stated they should make a motion to have this disclaimer statement added to the resolution that will be the recorded document for your approval of this abandonment.

LILLIAN NEWMAN, 12130 E. Mountain View Road, stated she lives next door to this property to the west. She further stated she does not know why there should be a problem as far as the city abandoning it. She remarked she cannot understand the purpose of why the city has an easement on it. She stated they do not know why they would have such a small area dedicated for a horse trail.

MS. SUMNERS stated the public trail in this vicinity is according to the draft master trails plan that shows a trail public trail along the north side of Mountain View Road. She stated as requests come to staff for abandonments they evaluate all of the circulation needs and one of the circulation needs is for trails. For this particular request, they are recommending approval subject to a 15-foot public trail easement along Mountain View Road.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER BARNETT inquired why they are going about doing these on an individual property basis. This seems more like a large case zoning issue rather than going and having each one of these individual property owners come in over the next period of years and going piece by piece by piece. Ms. Sumners replied what staff is doing at this point as applications come to them they are encouraging people to approach their neighbors and try and coordinate these issues. The feedback they have received from people is that it is hard as the number grows to gather all the documentation and get support. Sometimes the actual owners are out-of-state and trying to get all of that together is sometimes rather difficult so often times they move forward on their own.

COMMISSIONER HEITEL stated with regard to the trails issue he would like to congratulate staff for continuing to be diligent in locating and noticing trails in regards to the master trails plan. Homeowners who live in areas where trails are dedicated and contemplated by master trails plan are extremely important especially to equestrian

users and is very important for the preservation of those issues and to continue to take these trail opportunities.

Commissioner Heitel stated he has no problem with the 50-foot abandonment. He further stated he is disturbed in seeing construction occur in the middle of an easement and after the fact coming back to us and asking them to clear up the problem.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 3-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL, SUBJECT TO TWO STIPULATIONS:

- 1) **DEDICATE A 15-FOOT PUBLIC TRAIL EASEMENT ALONG MOUNTAIN VIEW ROAD.**
- 2) **RESERVE A WATER AND SEWER LINE EASEMENT OVER, UNDER, AND ACROSS THE EAST 20 FEET OF THE SUBJECT 50 FEET 121ST PLACE RIGHT-OF-WAY.**

SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF THREE (3) TO TWO (2) WITH COMMISSIONER BARNETT AND COMMISSIONER NELSEN DISSENTING.

4-AB-2003 (Chalfin Residence) request by Sallie & Bradley Chalfin, applicant/owner, to abandon the west 33 feet and the north 8 feet of the south 33 feet General Land Office patent roadway and public utility easements for parcel 217-32-037C located east of 125th Street, north of Gold Dust Avenue.

MR. DEELEY presented this case as per the project coordination packet. Staff recommends approval; subject to the reservation of an 8 feet trail easement over the subject north 8 feet GLO roadway easement.

COMMISSIONER HEITEL inquired why they are only asking for an 8 feet trail easement when those are typically 15 feet. Mr. Deeley stated the difference on the trail on Mountain View and the trail on Gold dust is that the trail on Mountain View is a secondary trail. Based on the new master plan and where this is a neighborhood trail under those criteria 8 feet would provide enough for our trail location. Commissioner Heitel stated they have had some discussion in that whole trail issues that these little narrow strips of five and eight feet was not sufficient for equestrian uses. He inquired where did the eight feet come from. Mr. Deeley stated the eight feet is just covering the area that was requested for abandonment under the GLO so rather than abandoning the GLO they requested that we reserve whatever portion of GLO along Gold Dust Avenue alignment be reserved for local trail.

COMMISSIONER BARNETT stated on the last one they were looking for an easement at the front of the property for a trail and now we are looking for an abandonment in the same position. He inquired if there is suppose to be a trail in front of this property. Mr. Deeley replied in the affirmative. In this case, they are just talking about reserving the eight feet that is being requested to be abandoned and changing it from GLO roadway

and public utility easement to a public trail easement so they would still have all the rights they do for that public trail.

COMMISSIONER NELSEN stated this is exactly why we shouldn't be abandoning these easements. If this was a utility company needing a right-of-way in a 33 foot GLO patent easement they would take it and put it where they want it. Trails become second class considerations. Why do they have a straight trail within a eight foot easement when they could have 33 foot where they could meander that trail. Mr. Deeley stated they have not lost the 33 feet. In other words the 25 feet of 33 feet is public right-of-way and the rest of the eight feet is being reserved for a public trail so they have not lost any of the 33 feet. Commissioner Nelsen stated Mr. Deeley is right in terms of space but in terms of quality of experience that is where the issue comes.

Commissioner Nelsen stated going back to the previous case, where there are GLO easements the people in that community has a right to ride, walk, or whatever they want to do over those GLO easements. The city does not need to get in there and say it is a trail. They are losing so many opportunities 33 feet by 150 feet or 33 feet by 330 feet or whatever it happens to be like they just did. If that goes through the City Council they have just lost all of the GLO patent access there because those people will be able to build and impede ingress and egress across the property. This eight-foot and those little slivers of trails don't make sense. At a certain point, they need to say no.

COMMISSIONER HEITEL stated on the last case, he expressed his amazement that substantial buildings can be built in these easements and then the problems come to us. In this case, they are being asked to abandon this easement solely for the purpose of allowing the property owner to expand further. He noted he has some trouble with this one.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

LEON SPIRO, 7814 E. Oberlin Way, presented information on structures that have built on GLO easements. He stated he has been ordered off of an GLO easement that he had used for years and threatened while using others in his area. He inquired if Mr. Deeley has ever held the title of Engineering Service Director while working with the City of Scottsdale. He also inquired why are GLO public utility easements removed from the plat survey. He asked a series of questions regarding the blockage of GLO easements. He inquired if the state and municipal law have precedence over Federal law. He noted Commissioner Nelsen made the Commission aware of the memorandum addressed to Congressman JD Heyworth from a Legislative Attorney in the American Law Division of the Congressional Research Service.

Mr. Spiro suggested the owner research this issue more closely regarding this encroachment. He also suggested they reread their title insurance policy and warranty deeds. He stated with the approval of this GLO roadway abandonment request the commission is sending a message to all GLO parcel owners that they can be assembled. He concluded he does not believe what they are doing here is not unsettled law. He referenced case law he felt they should look into.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

BRAD CHALFIN, property owner, shared information on the intent for the abandonment and what they have gone through. He stated as he understood the GLO easements were created because this was a vast wide open space and not knowing what the plan would be these easements were placed if there was a need for a roadway to go through they would be covered. Obviously, in this neighborhood that is not going to happen.

Mr. Chalfin remarked it is on record that there are numerous properties surrounding his property that have had their GLO easements abandoned. He further remarked their intent is to put an addition on the house. He noted he was advised the existing structure is within the west 33 feet GLO roadway easement and the only way to address this issue was to request an abandonment.

COMMISSIONER NELSEN stated one of the problems with GLO patent easements created on the small tract act is that there is no provision for eliminating them. It might not be fair. It might not be right. He further stated the county acknowledges that there has been two cases in this state that recognizes that are access rights to those easements and that is what the debate is all about. Until somebody does something to rectify that at the Federal level a lot of people feel that you just can't eliminate them. The County Supervisor has said that. He remarked this is conundrum in the City of Scottsdale because there are differing opinions. He further remarked he is a GLO patentee and has a GLO patent property and his attorney has told him that his neighbors have a right to access on it.

COMMISSIONER HEITEL stated just to clarify how many feet is the applicant's garage into the GLO easement. Mr. Chalfin stated five feet.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 4-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE ADDITIONAL STIPULATION:

THAT THE CITY OF SCOTTSDALE'S ABANDONMENT OF THEIR INTEREST IN THIS GLO EASEMENT IS ONLY THE EAST FIVE FEET OF THAT 33-FOOT GLO EASEMENT.

CHAIRMAN GULINO stated Commissioner Heitel's motion is amend the stipulations in this case to be the abandonment of the east 5 feet of the 30-foot GLO on the west side of the lot and to abandon the north eight feet along Gold Dust and make that a trail easement. He inquired if they can do that because it changes the case. Ms. Boomsma replied they can reduce the amount.

COMMISSIONER NELSEN inquired how is that going to help the property owner. Commissioner Heitel stated he is trying to come up with a compromise to solve this problem.

CHAIRMAN GULINO stated looking at this abandonment case he does not see where it is disrupting any of the transportation patterns, street patterns or utilities. The eight-foot trail easement makes sense so he won't be supporting the motion because he believed it is a valid request.

SECOND BY COMMISSIONER HESS.

THE MOTION FAILED BY A VOTE OF TWO (2) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER BARNETT, AND COMMISSIONER NELSEN DISSENTING.

COMMISSIONER NELSEN MOVED TO FORWARD CASE 4-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL. SECOND BY COMMISSIONER BARNETT.

THE MOTION FAILED BY A VOTE OF TWO (2) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER HEITEL, AND COMMISSIONER HESS DISSENTING.

COMMISSIONER BARNETT inquired if they could forward this to the City Council without a recommendation from the Planning Commission. Chairman Gulino stated he felt it was important they pass it along one way or another.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 4-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL. SECOND BY COMMISSIONER HESS.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO ONE (1) WITH CHAIRMAN GULINO DISSENTING.

MR. SPIRO requested the opportunity to speak on case 5-AB-2003.

CHAIRMAN GULINO reminded Mr. Spiro that case 5-AB-2003 has been continued to the June 25, 2003 meeting but if he is unable to attend that meeting, they would allow him to speak this evening. Mr. Spiro stated he might not be able to return.

5-AB-2003 (Ayoub Residence) request by Jesse McDonald, applicant, Jerry and Claudia Ayoub, owner, to abandon a portion of Mountain View Road alignment located on the north side of Mountain View Road and west of 116th Street. **Continued to June 25, 2003.**

MR. JONES presented this case as per the project coordination packet. He reported the case has been continued to the June 25, 2003 Planning Commission meeting.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

LEON SPIRO, 7814 E. Oberlin Way, reviewed the reasons why he is against this abandonment. He inquired if they were sure if this is a GLO easement.

MS. SUMNERS stated it is not a GLO lot.

MR. SPIRO stated he is interested in the legal department's approval of this abandonment. He further stated there is no legal support because this is not a GLO.

There is a disclaimer for GLOs. He inquired if the correct terminology should be federal land patent reservation rather than GLO patent easement.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 6:48 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

PLANNING COMMISSION REPORT



MEETING DATE: June 11, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Flicka's Cantina

REQUEST

Request to approve a conditional use permit for Live Entertainment on a 1 +/- acre parcel located at 2003 N Scottsdale Road with Highway Commercial (C-3) zoning.

3-UP-2003

Key Items for Consideration:

- Live entertainment will be completely contained within the existing restaurant/bar.
- The applicant has proposed to install a double door system separated by a vestibule at the main entrance of the business.
- No external speakers are proposed.
- Parking meets the zoning ordinance requirements.

Related Policies, References:

109-DR-1993 and 109-DR1993#2

OWNER

Elizabeth & Sam Leong Lew

APPLICANT CONTACT

Tom Rief
Land Development Services
480-946-5020

LOCATION

2003 N Scottsdale Rd

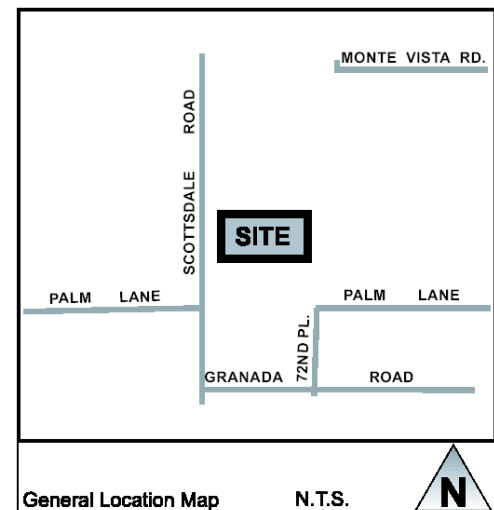
BACKGROUND

Zoning.

The site is zoned Highway Commercial District (C-3). This zoning district permits live entertainment with an approved conditional use permit.

Context.

The existing building is located on the east side of Scottsdale Road between Thomas and McDowell Roads. The properties to the north, south, and west are zoned Highway Commercial (C-3) and contain existing businesses. There is a vacant lot to the east of the building zoned Single-Family Residential District (R1-7) and existing residential developments further to the northeast and southeast.



**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

The applicant requests a conditional use permit for live entertainment at the existing restaurant/bar called Flicka's Cantina. The live entertainment will consist primarily of bands, a disc jockey booth, and a karaoke machine. The live entertainment will only take place indoors, and no speakers will be placed outside on the grounds of the site, including the outdoor patio.

The property is within 500 feet of a residential district. Other Scottsdale restaurant/bars within 500 feet of residential districts have found a technique that has worked well in alleviating noise to these districts: A double door system separated by a vestibule. The applicant has proposed to install the double door system and vestibule at the main entrance, which faces Scottsdale Road. This technique, and the fact that the main entrance faces away from the residential district, will mitigate the sounds of live entertainment that might affect those neighborhoods to the east and southeast.

Development information.

- *Existing Use:* Restaurant/Bar
- *Buildings/Description:* Existing one story building
- *Parcel Size (gross):* 43,500 square feet (.98 acre)
- *Building Height Allowed:* 36 feet
- *Existing Building Height:* 16 feet
- *Gross Floor Area:* 4,144 square feet

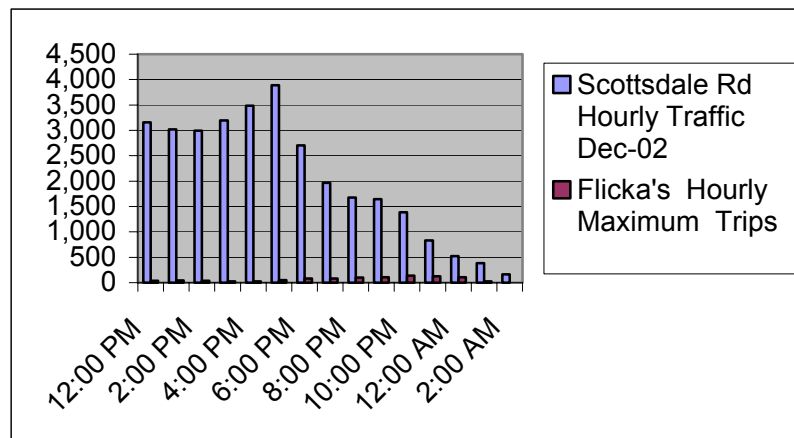
IMPACT ANALYSIS

Traffic.

Flicka's Cantina is located in an area of existing commercial development along the east side of Scottsdale Road. Turning access is from a continuous two-way center left turn lane in the six lane Scottsdale Road. Frequent driveways along both sides of Scottsdale Road characterize the general area. Flicka's is served by a horseshoe driveway, connecting to Scottsdale Road on each side of the building.

Flicka's is proposing to add live entertainment in a building that has a maximum occupancy of 175 people. That figure is used to determine the peak loading for a live entertainment traffic review. Based on a vehicular occupancy of 2.5 persons per vehicle, it would take 70 vehicles to be at the building's maximum occupancy of 175 people. Assuming a one-hour turnover time on site, 70 vehicles equate to 140 trips (one entering and one exiting) in a 100% occupancy hour.

Scottsdale Road currently carries 45,000 vehicles per day, which is under its design capacity of 55,000. The chart below contrasts the volume levels on Scottsdale Road with the estimated hourly Flicka's live entertainment trip production. The applicant's traffic impact study indicates that live entertainment is expected to peak at 10 PM. Therefore, when the live entertainment clientele is peaking at Flicka's, the peak traffic volumes on Scottsdale Road are at a reduced level and continuing to decline.



Parking.

Flicka's Cantina will have a maximum occupancy of 175 people. Based on an automobile occupancy of 2.5 persons per vehicle, this project will require 70 parking spaces to fulfill the required parking for live entertainment. Currently, there are 76 parking spaces provided on site.

Police/Fire.

The Police Department and Rural Metro have reviewed and approved a Public Security Plan for this project.

Community Impact/Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **All live entertainment activity will occur in the interior of the restaurant/bar during normal business hours with the doors closed. There will be no outdoor speakers. The applicant has proposed to install a double door system with a vestibule between them at the main entrance of the business. The main entrance faces Scottsdale Road, away from the residential neighborhoods to the east and southeast. A majority of the existing lighting on the site will remain except for some modifications to the outdoor patio lights along Scottsdale Road. There should be no impact to surrounding neighbors due to noise, smoke, odor, dust, vibration, or illumination.**

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The live entertainment activity is expected to peak in the late evening around 10 pm., at a time when traffic volumes on Scottsdale Road are significantly less than daytime peak levels and are continuing to decline.**
 3. No other factors associated with this project will be materially detrimental to the public.
 - **No other factors have been identified.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **The live entertainment is associated with the existing restaurant/bar and is compatible with the other commercial uses found along Scottsdale Road. The restaurant/bar entrance and patio area are oriented toward Scottsdale Road, which is consistent with other restaurant/ bar establishments in the area.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
1. The site plan shall demonstrate that:
 - i. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and it's required parking area to residential districts.
 - **There is existing landscaping located along the eastern property line that buffers the project from the adjacent, vacant, residentially zoned property. The landscape plan indicates new landscaping to be placed along the southern property line to help buffer the project from some of the existing apartment/condo complexes located approximately 150 feet to the southeast.**
 - ii. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - **The building entrance and the parking lot are clearly visible with existing lighting and signage.**
 2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
 - **The Zoning Ordinance does not permit any outdoor speakers on buildings that are located within 500 feet of a residentially zoned property. Live entertainment will be contained within the restaurant/bar, and all external doors are required to remain closed. The applicant has indicated that no external speakers are proposed with this project.**

3. The applicant has provided a written public safety plan that the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
 - **The Scottsdale Police Department and Rural/Metro Fire Department have reviewed and approved the submitted Public Safety Plan associated with the live entertainment use.**
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
 - **The site is appropriately lit. The applicant has made some minor revisions to the lights located on the patio along Scottsdale Road.**
5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
 - **Refuse will be contained by one existing dumpster located at the northeast corner of the property. The dumpster is enclosed by a six-foot block wall and is serviced twice a week. The applicant will pick up litter and debris at the close of business each night.**
6. The applicant has provided a floor plan that identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
 - **The live entertainment stage is positioned in the middle portion of the building.**
7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
 - **Traffic will utilize Scottsdale Road, a major arterial. A trip generation review of the use indicates that the proposal conforms to street design and traffic volume capacity for the area.**
8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study that complies with the written guidelines of the Planning and Development Department.
 - **The applicant has provided a parking analysis that complies with the live entertainment parking requirements.**
9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.
 - **No other impacts are anticipated.**

10. The following operational standards must be met by the use throughout its operation:
 - i. All external doors shall be closed but not locked during business hours.
 - ii. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
 - ii. The applicant/operator shall comply with all plans approved as provided herein.
 - **The applicant has indicated in the project narrative that the business will comply with the operational standards. The use conforms and has been stipulated to conform to these standards.**

Community involvement.

Letters were sent to all property owners within 750 feet of the property; however, the applicant has received no responses from the neighborhood. Also, Staff has not received any comments from the public to date.

Policy implications.

- The application meets the conditional use permit criteria pertaining to live entertainment.
- Approval of the application will allow live entertainment, subject to the attached stipulations, within the existing restaurant/bar adjacent to a residential zoned district.

**OPTIONS AND STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services


STAFF CONTACT(S)

Bill Verschuren
Senior Planner
480-312-7734
E-mail: bverschuren@ScottsdaleAZ.gov

APPROVED BY



Bill Verschuren
Report Author



Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. Traffic Impact Study
8. Parking Analysis
9. Public Safety Plan
10. Photo Showing Landscape Screening on the East
11. 500 Ft. Residential Radius and 750 Ft. Public Notice Radius
12. Site/Landscape Plan

Flicka's bar & grill

(2003 – N. Scottsdale Road)
Live Entertainment Use Permit

PROJECT NARRATIVE

This request is for approval of a conditional use permit for live entertainment at Flicka's Bar & Grill. Flicka's is located at 2003 N. Scottsdale Road and surrounded by commercial uses. A restaurant and bar uses are located to the north of Flicka's. To the south are automotive uses, across Scottsdale Road is an antique furniture retailer and a vacant lot is to the east of the site. Flicka's Bar & Grill has been in operation for @ 5 years. Since the early 1970's the site has been home to various restaurants and lounges, ranging from the Bonanza Stake house to most recently the Pink Pepper.

We are requesting approval from the City of Scottsdale for live entertainment. The live entertainment will include uses such as a band, a D.J. and/or karaoke singing, all of which will occur inside the building. We find that granting of a live entertainment use permit for the Flicka's Bar & Grill will not be materially detrimental to the public health, safety or welfare. There will be no damage or nuisance arising from this proposal. There will be no unusual traffic volumes resulting from this activity and the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding area. Per the additional criteria listed below, we request approval of a live entertainment use permit:

- This site is located in a commercial corridor area of the City. The accompanying context site plan demonstrates that there are commercial land uses existing adjacent to the restaurant site. The closest single-family residence is @ 200' to the southeast with no direct vehicular access between the two. Building walls, landscape and on-site improvements provide separation and buffering from adjacent properties.
- No external speakers will be provided in association with the live entertainment. All sound emanating from the live entertainment activity will be contained within the building. ~~We would like approval for external speakers in the patio area. Since the patio is exposed to the noise of Scottsdale Road, the ability to provide subtle background music will add to the atmosphere of the patio environment. All external speakers will be directed toward Scottsdale Road and away from adjacent land uses.~~
- We have met with a representative of the Scottsdale Police Department and have an approved Public Safety / Security Plan.
- The parking lot will be fully lit, in accordance with Ordinance standards and the approved Development Review. This operating policy is in compliance with safe and proper operational practices and the Public Safety guidelines.
- The entire property, including the parking lot, will be kept in a neat and clean condition. Restaurant staff will monitor activities in the parking lot. Maintenance staff will clean litter and debris from the parking lot daily and as needed.
- The accompanying floor plan clearly identifies primary use areas. The stage area, stage area, dining and bar areas are all designated on the floor plan.
- This property has frontage on Scottsdale Road, a street classified as a minor collector or greater. The surrounding street system provides circulation to the facility and as such, per these criteria an independent traffic analysis is not warranted.
- A Parking Analysis has been prepared and is included with this application. All Ordinance required parking spaces are provided on-site. Any additional parking spaces required as part of the live entertainment are also provided on-site.
- The following operational standards apply and will be complied with:
 1. All external doors shall be closed but not locked during live entertainment activity
 2. No external speakers will be utilized in association with live entertainment uses
 3. The applicant / owner shall comply with all plans approved as provided herein



ATTACHMENT #2

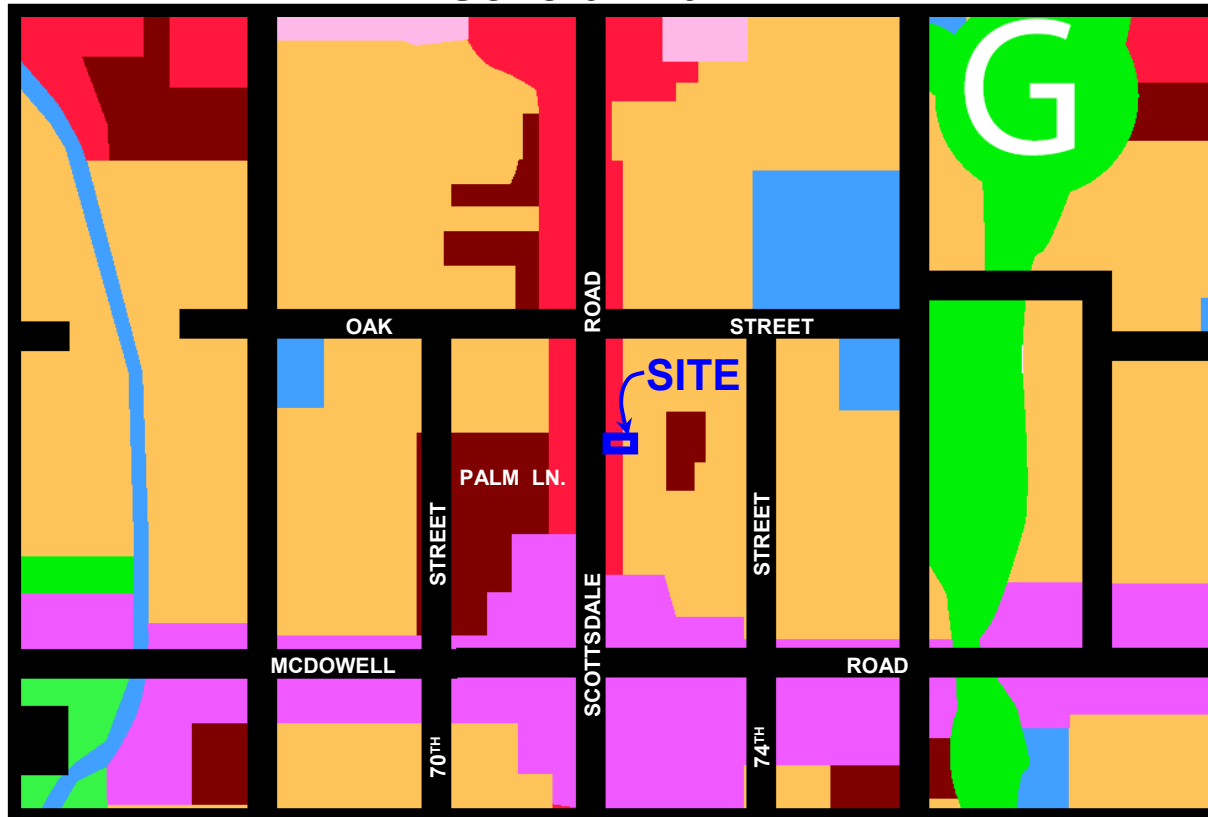


Flicka's

3-UP-2003

ATTACHMENT #2A

General Plan

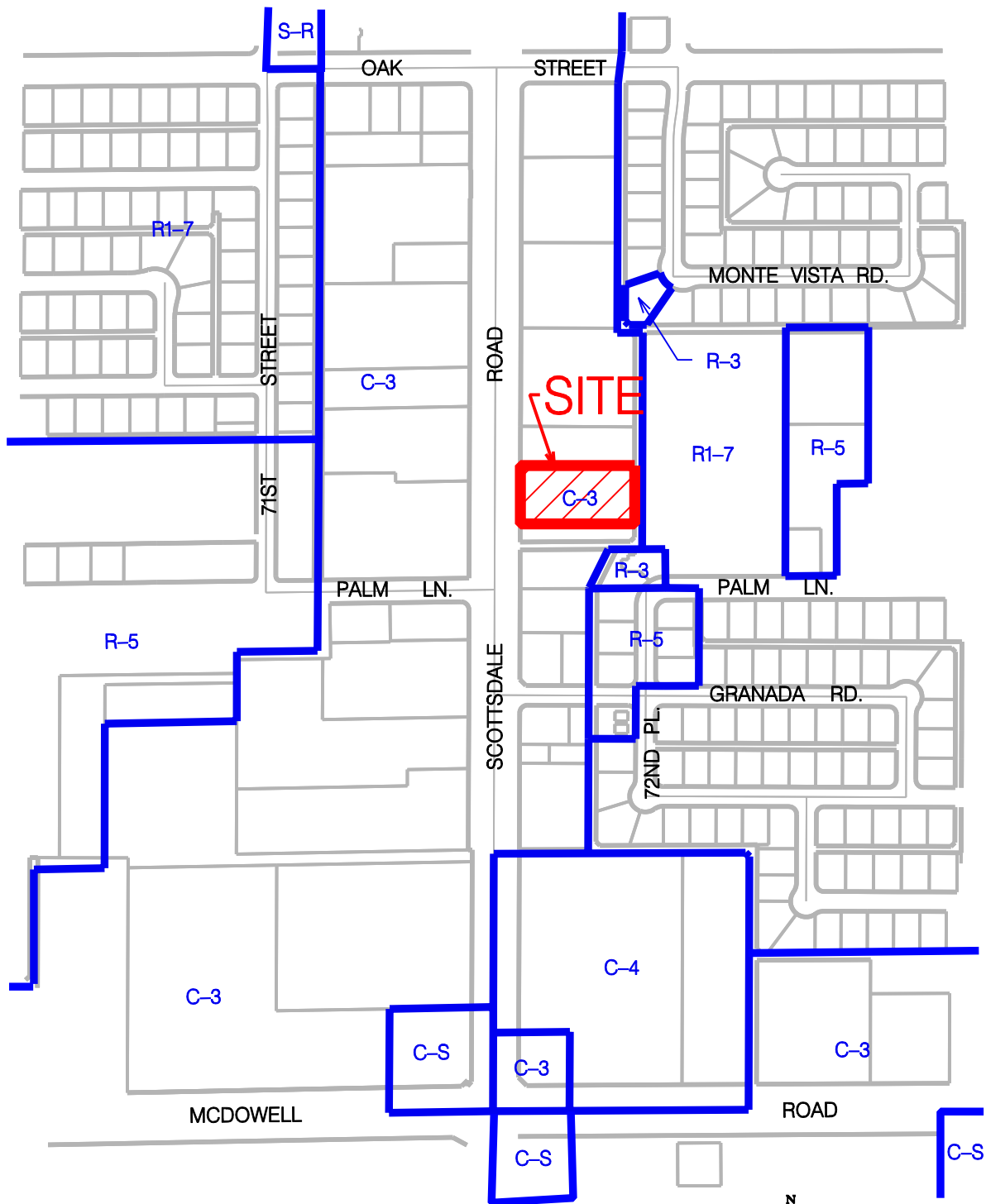


- | | |
|---|--|
| Rural Neighborhoods | Commercial |
| Suburban Neighborhoods | Office |
| Urban Neighborhoods | Employment |
| Mixed-Use Neighborhoods | Natural Open Space |
| Resorts/Tourism | Developed Open Space (Parks) |
| Shea Corridor | Developed Open Space (Golf Courses) |
| Mayo Support District | Cultural/Institutional or Public Use |
| Regional Use District | State Trust Lands under State Land Commissioner's Order #078-2001/2002 |
| McDowell Sonoran Preserve (as of 4/2002) | |
| Recommended Study Boundary of the McDowell Sonoran Preserve | |
| City Boundary | Location not yet determined |



3-UP-2003
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of April 2, 2002



3-UP-2003

ATTACHMENT #4

STIPULATIONS FOR CASE 3-UP-2003

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO SITE/LANDSCAPE PLAN.** Development shall conform to the site/landscape plan submitted with the Use Permit Application and receipt dated 3/3/2003 by City staff. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO FLOOR PLAN.** Building area (Square Feet) allocated to total public floor area, dance floor, stage, and bar service shall not exceed the amounts shown on the floor plan worksheet submitted with the Use Permit Application and receipt dated 3/3/2003 by City staff. However, the permitted floor areas may be reduced by amounts as necessary to comply with Zoning Ordinance requirements. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
3. **OPERATIONS.** All operations and live entertainment on site shall comply with the following:
 - a. All amplified live entertainment, live entertainment that would create noise, vibration, dust, smoke and visual nuisances, shall be conducted and contained completely inside the building and all external doors shall remain closed.
 - b. Live entertainment shall not be audible from any point of a property line that is adjacent to any residentially zoned district in the surrounding area.
 - c. There shall be no live entertainment between the hours of 1:00 a.m. and 8:00 a.m.
 - d. The public safety plan as approved by the Scottsdale Police Department.
 - e. The refuse control plan as submitted by the applicant. The business owner shall assure that litter and debris removal shall take place every day within two (2) hours after normal business hours.
 - f. No external speakers shall be allowed on any portion/area of the property.
 - g. The applicant shall construct and maintain a double door vestibule at the main entrance along Scottsdale Road.
5. **OUTDOOR LIGHTING.** Outdoor lighting shall comply with the stipulations and plans for case 109-DR-1983#2, as approved or as subsequently amended by another Development Review Board application. Non-complying lighting shall be removed to the satisfaction of inspection staff.
6. **LANDSCAPE BUFFER.** A landscape buffer sufficient to screen automobile lights shall be maintained adjacent to the eastern property boundary. A landscape buffer sufficient to screen automobile lights shall be established and maintained adjacent to the southern property boundary as proposed in the Site/Landscape Plan submitted with the Use Permit Application and receipt dated 3/3/2003 by City staff. The buffer shall consist of plants, such as a hedge, providing a solid screen not less than 4 feet in height. A screen wall may substitute for the landscape buffer provided that the appropriate approvals are obtained.
7. **CONFORMANCE TO PRIOR APPROVALS.** The development shall substantially conform to the stipulations and plans for Case 109-DR-1983#2, as approved or as subsequently amended by another Development Review Board application.

3-UP-2003
Flicka's Cantina

Attachment #6. Citizen Involvement

This attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

Flicka's bar & grill

(2003 – N. Scottsdale Road)
Live Entertainment Use Permit

TRAFFIC IMPACT STUDY

Intro.:

This document provides an overview of the anticipated traffic impact of the live entertainment use permit for Flicka's Bar & Grill located at 2003 N. Scottsdale Road. Trip generation, current traffic volumes and demand based parking information was used for this analysis.

Site:

Flicka's bar & grill is located on Scottsdale Road between McDowell & Thomas Roads. The accompanying site plan shows the location of the site. Two existing driveways on Scottsdale Road provide access to the property.

A similar bar & grill (Hamburger Mary's), Babe's Cabaret and a pizza delivery restaurant are located a short distance to the north on Scottsdale Road. Poly Ester's and Frazier's restaurant, located across Scottsdale Road to the north are two other historical nightclub sites. The Flicka's site has been previously occupied by restaurant and lounge use. Considering Flicka's bar & grill has been in operation for over five years, the general activity level of Flicka's will remain constant.

Description:

The live entertainment use permit does have the potential to shift the time of some of the activity at the site. Activity levels are expected to be peaking in the late evening hours (9:00 PM – 12:00 AM). This is a time of the day when traffic volumes on the adjacent street are significantly reduced from peak levels experienced during the day.

The traffic volumes generated during the peak activity levels for Flicka's have been estimated based upon the peak occupancy parking demand (70 vehicles) identified in the parking analysis for the site. The client provided estimated hourly percentages of the peak utilization at various times. These percentages were applied along with an assumed turnover time of 1 hour to estimate the traffic volumes during peak activity. The peak traffic volumes were estimated to be the result of 70 vehicles entering and exiting the site in one hour for a total of 140 trips per hour.

Table 1 shows the peak traffic volumes at various times during the evening when the activity from the special use permit would occur.

Table 1 – Hourly Traffic Volumes (assuming 1 hour turnover)

<u>Time of day</u>	<u>% of peak occupancy</u>	<u># of trips</u>
3:00 am	0%	-
4:00 am	0%	-
5:00 am	0%	-
6:00 am	0%	-
7:00 am	0%	-
8:00 am	0%	-
9:00 am	7%	10
10:00 am	7%	10
11:00 am	10%	20
12:00 pm	25%	28
1:00 pm	30%	42
2:00 pm	28%	39
3:00 pm	20%	28
4:00 pm	20%	28
5:00 pm	35%	49
6:00 pm	60%	84
7:00 pm	60%	84
8:00 pm	71%	99
9:00 pm	75%	105
10:00 pm	100%	140
11:00 pm	90%	126
12:00 am	75%	105
1:00 am	20%	28
2:00 am	0%	-

Since the major street adjacent to the site is Scottsdale Road, it is anticipated that the major source of potential conflicting traffic, which could cause capacity issues is also Scottsdale Road. Based on information obtained from the City's Transportation Website, the average daily traffic count for this section of Scottsdale Road, between McDowell & Oak, is 51900 vehicles. The volume of traffic on Scottsdale Road during the 9:00 PM – 12:00 AM period, when the peak activity of Flicka's bar & grill occurs varies from 45% to 11% of peak hour volumes.

It is anticipated that the peak parking and traffic demand for Flicka's bar & grill will occur during the evening, when the volume of traffic on the adjacent roadway is significantly lower than the peak hour of the day. This will result in a significant surplus traffic capacity that will be adequate to accommodate the traffic volumes generated by Flicka's bar & grill at peak activity times.

Sincerely,



David G. Gulino, P.E.

Flicka's bar & grill

(2003 – N. Scottsdale Road)
Live Entertainment Use Permit

PARKING ANALYSIS

This request is for approval of a conditional use permit for live entertainment at Flicka's Bar & Grill. Flicka's is located at 2003 N. Scottsdale Road and surrounded by commercial uses. A restaurant and bar uses are located to the north of Flicka's. To the south are automotive uses, across Scottsdale Road is an antique furniture retailer and a vacant lot is to the east of the site. Flicka's Bar & Grill has been in operation for @ 5 years. Since the early 1970's the site has been home to various restaurants and lounges, ranging from the Bonanza Stake house to most recently the Pink Pepper.

Gross Floor Area: 4,144 s.f. (no change from recently approved case# 109-DR-82 #2)
Kitchen Area: 879 s.f. (no change)
Restrooms: 405 s.f. (no change)
Circulation: 420 s.f. (no change)
Billiards: 454 s.f.
Seating Area: 1,644 s.f.
(Kitchen 20%-29% floor area, Calc 50% Restaurant/50% Bar)

Parking Calcs

Dining (1644/2=822 s.f./50)	= 16
Bar (1644/2=822 s.f./35)	= 24
Patio (1588 s.f./200)	= 8
Pool tables (2 x 2)	= 4
Total Required	= 52
Total Provided (on-site)	= 76

Occupancy: 175 persons (posted)

Live Entertainment Parking:

(Occupancy / 2.5) 175 / 2.5
Parking Required = 70
Parking Provided (on-site) = 76

The following is a projection of the parking requirements based upon an average use of the restaurant:

Time:	Number:	Description:
9:00am – 11:00am	5	Employees
11:00am – 2:00pm	25	Employees, Lunch & Bar Patrons
2:00pm – 5:00pm	20	Employees, Lunch & Bar Patrons
5:00pm – 6:00pm	25	Employees, Dinner & Bar Patrons
6:00pm – 8:00pm	45	Employees, Dinner & Bar Patrons
8:00pm – 10:00pm	50	Employees, Dining & Bar Patrons
10:00pm – 12:00pm	50	Employees & Bar Patrons
12:00pm – 1:00am	20	Employees & Bar Patrons
1:00am – 2:00am	8	Employees

ATTACHMENT #8

3-UP-2003

3/3/2003

At the beginning of the day, parking will be used by employees and delivery people. The restaurant opens for business at 11:00am. Typical lunch patrons begin to arrive shortly thereafter and the lunch crowd stays until around 2:00pm. Lunch stragglers and Bar patrons arrive during the rest of the afternoon. At approximately 5:00pm, the after work Dinner and Bar patrons begin to arrive. At around 8:00pm the dinner crowd begins to tail-off and the nighttime Bar crowd arrives.

By around 10:00pm the establishment experiences its highest activity. This status will begin to steadily decrease until closing at 1:00am. At that time, the only parking used will be by closing personnel.

The project is currently designated with 76 parking spaces on-site. Based on the Zoning Ordinance parking regulations, the number of required parking spaces is 52. Should there be an increased parking demand due to live entertainment, parking requirement is calculated by dividing the occupancy load by 2.5 (patrons per vehicle) a standard policy. Therefore, with the current posted occupancy load of 175 / 2.5, the required parking is 70 spaces. Under current conditions the property provides sufficient parking. In the event there is a peak in demand, the parking will be managed by proper use and scheduling. The adjacent commercial uses are closed during the evening hours. These areas can accommodate any surplus parking demand without experiencing adverse affects.

**SCOTTSDALE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION CONTROL SHEET**

Application Type: SECURITY PLAN

Series 06 Bar (All spirituous liquor)

Date Received: 03/04/03
Date Due: 03/15/03

Council Date:
Event Date: N/A

1) Stephen A. Toubus, SIS Intelligence Specialist Control Number: 400557
Establishment/Special Event: **Flicka's Baja Grille**

2) **Det. Mike Fritz**

Comments: On 3/4/03 I met with applicant Hector Alvarado & Tom Rief from Land Development Services at Flicka's. I reviewed the Public Safety Plan with them. The application & plans are in order. After reviewing point by point of the plan. Mr Alvarado stated that he understood all of these requirements & any violation of these could cause the revocation of this Use Permit. At this time there is no derogatory information from the police department that would prohibit the issuance of this permit.

Recommendation: **No Opposition**

Signature: *M. Fritz*

Date: 3/5/03

3) **Capt. Dave Marshall, District 1 Commander**

Comments:

Recommendation: **Approval**

Signature:

Date:

4) *****DEPUTY CHIEF*****

Comments: Acting USB Commander

Recommendation: **Approval**

Signature: *Captain David Marshall*

Date: 03/06/03

R19-1-102. Granting a License for a Certain Location

Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:

1. Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.
2. The number and series of licenses in close proximity.
3. Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.
4. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
5. Residential and commercial population density in close proximity.
6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.
7. Effect on vehicular traffic in close proximity.
8. The compatibility of the proposed business with other activity in close proximity.

9. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.
10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.
11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.

REVIEW SHEET

Application type: **Security Plan**
Name of Business: **Flicka's Baja Grille**
Address: **2003 N. Scottsdale Rd**
License Number: **06070560**

DETAILS

The applicant is applying for a use permit to have live entertainment. A market test for him reference possible, Jazz, Latin or R&B Music. He has submitted all the proper paperwork. I have reviewed this application with the owner, Mr. Alvarado. He understands all the requirements of the plan. At this time no derogatory information to report that would prohibit the approval.

CONCERNS

None

Recommendation: **No Opposition**

Reviewed By: **Other**

FLICKA'S Baha Cantina

**2003 - N. Scottsdale Road
Live Entertainment Use Permit**

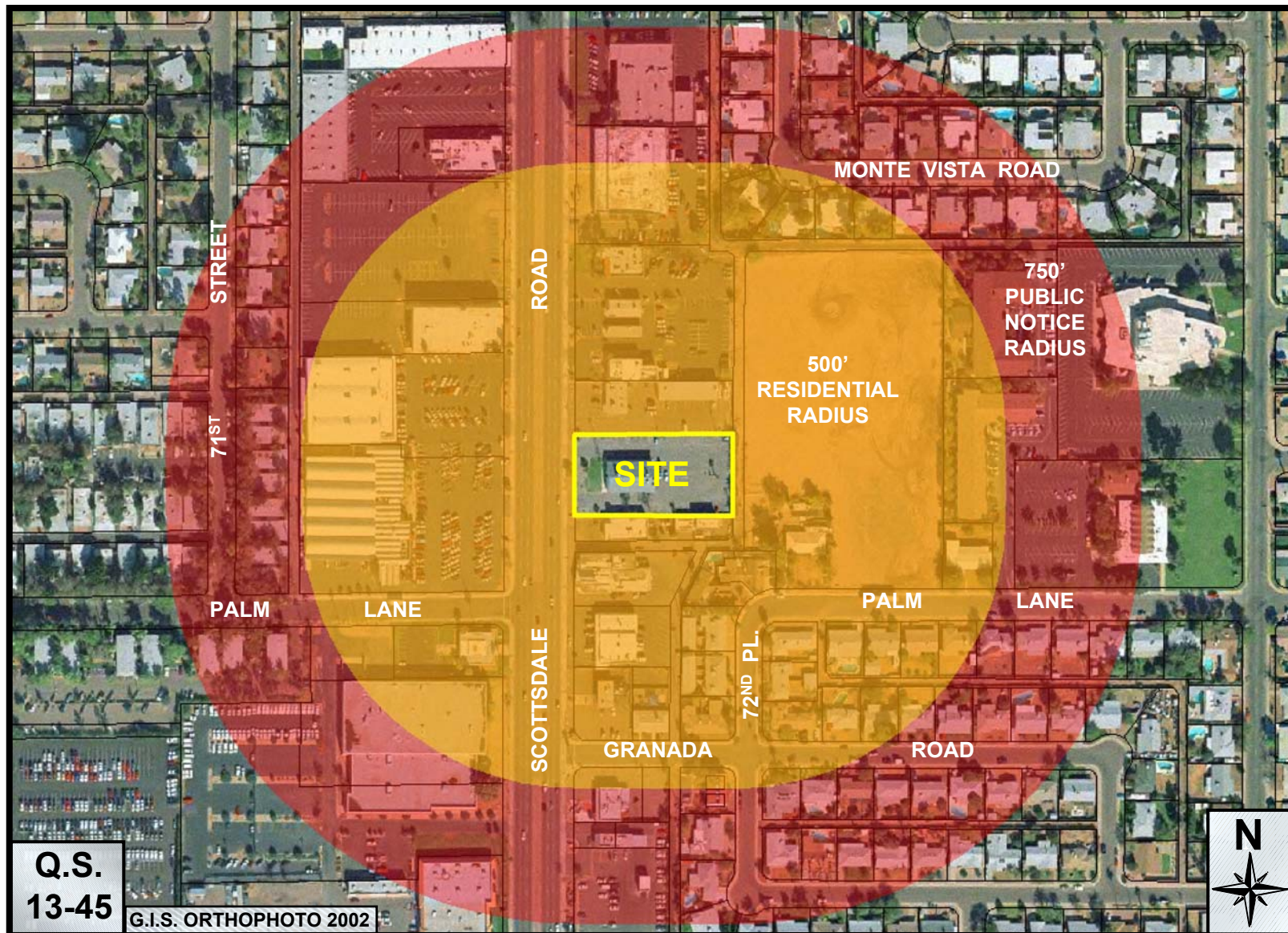


LANDSCAPE SCREENING ON THE EAST



Back parking lot – looking west

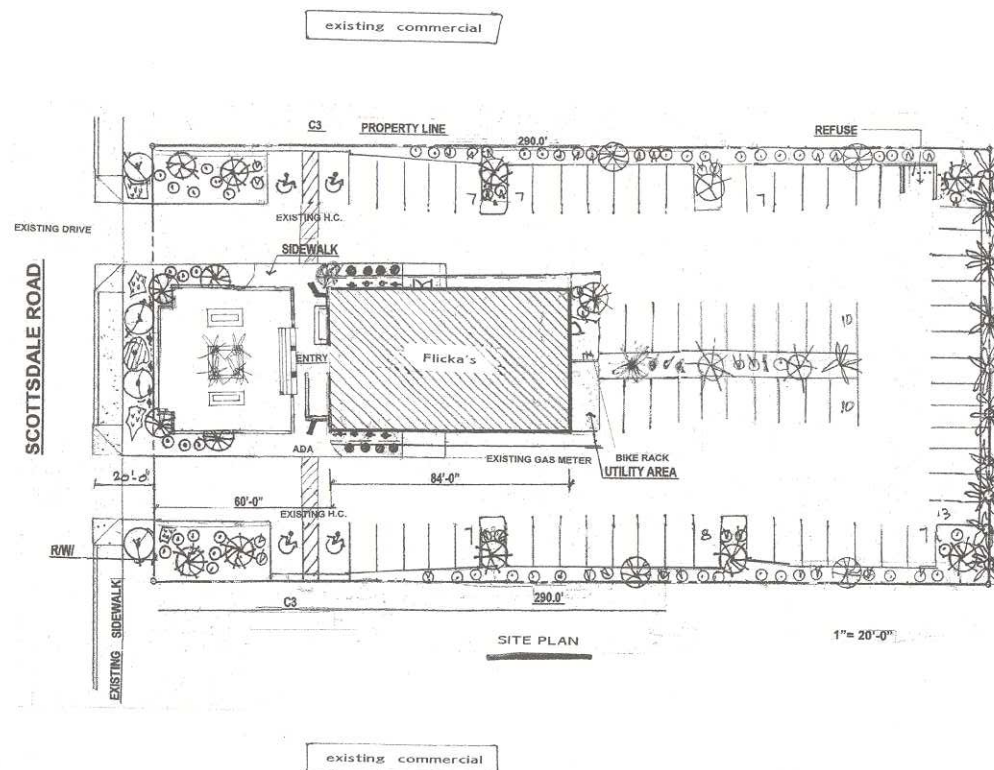
ATTACHMENT #10



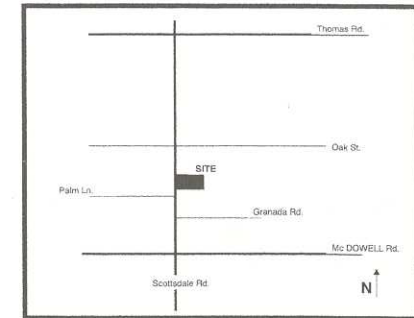
Flicka's

3-UP-2003

ATTACHMENT #11



Flicka's bar & grill



VICINITY MAP

Flicka's (2003 - N. Scottsdale Rd.)

Project Data:

Request: Live Entertainment Use Permit
Address: 2003 N. Scottsdale Road
Zoning: C-3 (Commercial) - no change
Legal: The west 355 feet of the south 150 feet of the north 500 feet of the south half of the northwest quarter of the southwest quarter of section 35, Township 2 North, Range 4 east of the Gila & Salt River Basin and meridian, Maricopa County, Arizona. Except the west 65 feet thereof.
Parcel: 131-19-002U

Gross Lot: 43,500 s.f. (0.98 acre)
FAR Allowed: 0.80
FAR Existing: 0.17
Gross Floor Area: 4,144 s.f. (no change from recently approved cases 109-DR-82 #2)
Kitchen Area: 879 s.f. (no change)
Restrooms: 405 s.f. (no change)
Circulation: 420 s.f. (no change)
Billiards: 454 s.f.
Seating Area: 1,644 s.f.
(Kitchen 20%-29% floor area, Calc 50% Restaurant/50% Bar)

Parking Calcs
Dining (1644/2=822 s.f./50) = 16
Bar (1644/2=822 s.f./50) = 24
Patio (1588 s.f./200) = 8
Pool tables (2 x 2) = 8
Total Required = 52
Total Provided (on-site) = 76

Occupancy: 175 persons (posted)

Live Entertainment Parking:
(Occupancy / 2.5)
Parking Required = 70
Parking Provided (on-site) = 76

Existing Building Ht.: = 16'
Open Space Required: = 4,350 s.f.
(0.004 x 2' (4350)) = 4,700 s.f.
Open Space Provided: = 8,325 s.f.
Existing Parking: = 24,000 s.f.
P.L. Landscape Req.: = 3,600 s.f.
P.L. Landscape Provided: = 3,650 s.f.

3-UP-2003

3/3/2003

PLANNING COMMISSION REPORT



MEETING DATE: June 11, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

5th Avenue Parking

REQUEST

Request to approve for a municipal use master site plan for a parking garage on a 1.6 +/- acre parcel located at 7143 E 5th Avenue with Central Business (C-2) zoning.

4-UP-2003

Key Items for Consideration:

- Parking demand exceeds parking supply
- Proposed 250-450 space parking garage to replace existing 187-space parking lot

Related Policies, References:

- General Plan
- Downtown Plan

OWNER

City of Scottsdale
480-312-7769

APPLICANT CONTACT

Madeline Clemann
City of Scottsdale
480-312-2732

LOCATION

7143 E 5th Avenue

BACKGROUND

Context.

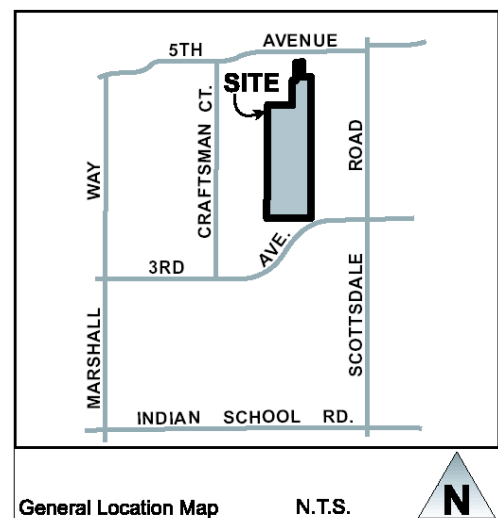
This site is located west of Scottsdale Road and south of 5th Avenue. The surrounding property is zoned Central Business District (C-2) and Downtown/Retail Specialty Development Type 1 (D/RS-1).

General Land Use Plan

The General Plan recognizes this area as Mixed Use Neighborhoods. This designation recognizes the Downtown Plan, which, in turn, designates this site as Retail Specialty Development Type 1 (RS-1). This category includes retail specialty shopping uses and regional tourist attractions. Parking areas support the uses and activity recommended by the Downtown Plan.

Zoning.

The site is currently zoned Central Business District (C-2), which allows a variety of office and retail uses, including parking.



General Location Map

N.T.S.



Municipal Use Master Site Plan.

Approval of a Municipal Use Master Site Plan is needed prior to Development Review Board approval. The Planning Commission makes a recommendation to the City Council regarding the proposed master site plan.

The site plan shows the footprint of the proposed parking garage, along with circulation routes for automobiles and pedestrians. Residential, retail or other uses may be considered at a future time.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The site is currently improved with a 187-space, surface parking lot. Depending on final design, the proposal is to build a parking garage that will increase the available spaces to offset the deficit. The parking garage will also include restrooms, bicycle and pedestrian facilities.

Applicant's Analysis of Use Alternatives

There is mixed-use development in the Downtown, and the Downtown Plan supports concepts for integrating retail, office, and residential uses. During the application review, some private parties and Planning Commission members expressed interest in implementing those concepts on this property in conjunction with the parking garage. Some of the ideas included underground parking, retail on the first floor, and upper level residential development.

The parking garage is a City owned property and City funded development. Additional funding would need to be identified for structural design and construction of the parking garage to support additional floors within which other uses could be housed. A partner relationship would need to be established with the interested party if a serious development proposal was put forward for combined uses, and that would add a significant amount of time to the construction of the parking garage.

Key Issues.

- Provide parking for the existing demand;
- Make parking available for future parking needs as unoccupied buildings are filled; and
- Provide parking for future growth in downtown.

IMPACT ANALYSIS**Downtown Development.**

This site is located in the 5th Avenue area of the Downtown with nearby retail shops and galleries, restaurants, and nightclubs. About 71% of the existing buildings in this area are occupied. There is interest in making use of the vacancies and additional parking in this area would promote that investment.

Current significant Downtown development projects include the canal bank improvements and the Waterfront project on the north side of the canal. These projects may spur more development interest that will result in a more vibrant, active downtown.

Parking.

This property is currently being used as a surface parking lot that contains 187

spaces. The parking lot was built by contributions to an assessment district formed by properties in the adjacent Fifth Avenue District. The existing 187 spaces will be incorporated into the final number of spaces; which is anticipated to be between 250 and 450 spaces. The garage project is not expected to affect existing on-street spaces or adjacent private parking spaces.

A recent occupancy study (Walker Parking Consultants, November 2002) concluded that the ability of the existing parking supply to accommodate parking demand is marginal during peak hours. However, during daytime hours the parking supply is adequate because of low (71%) occupancy rates of the buildings located in this area.

The actual peak hour deficiencies may be greater because the calculated deficiencies do not take into account that the majority of private daytime business lots are signed as “closed” to nighttime use. Currently, the nighttime deficiency is being handled through valet parking, which leases many, but not all, of the private parking spaces. In addition, the parking study, business owners, and staff have confirmed that on busy nights cars are being illegally parked on private spaces when the public facilities are full.

Traffic.

The new garage is not a destination itself; hence, it does not generate vehicle trips. Instead, it captures vehicle trips generated by all the adjacent district businesses and provides parking spaces for those vehicles near their destinations.

Open Space.

In the Downtown area, two open space features are developed and currently being developed. The Civic Center Mall offers venues for entertainment, special events, and passive leisure. The other open space feature is the canal that is planned for improvements, which would provide space for special events and linear path connections.

Policy Implications.

Each zoning district requires that individual properties provide adequate parking for their uses based upon an established parking ratio. Historically, in order to meet parking requirements, properties in the downtown area have relied upon a combination of parking solutions made available by the City through assessment districts and the Zoning Ordinance.

Community Impact.

The Municipal Use Master Site Plan does not assign individual parking spaces to any properties. Approval of a parking garage at this location facilitates the provision of parking spaces available for visitors to the downtown area, and increases the available parking supply in order to help meet parking demands.

Community Involvement.

An open house meeting was held twice on April 17, 2003. There were 17 people who signed the attendance roster. The comments received indicate overall support for the parking garage. The comments also demonstrate a desire for public restrooms/services, a desire to minimize the parking garage

height by placing parking underground, and a desire to have construction completed in a timely fashion.

**OPTIONS AND STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie AICP
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY



Kira Wauwie AICP
Project Coordination Manager
Report Author



Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Traffic Impact Summary
7. Citizen Involvement
8. Site Plan



City of Scottsdale

PROJECT NARRATIVE FOR CITY INITIATED PROJECTS



- ☒ Rezoning
☐ Use Permit
☐ Development Review
☐ Master Sign Programs
☐ Text Amendment
- ☒ Other *MUMSP*

Case # 264 / 264 -PA- 02 # 1

Project Name Fifth Avenue Parking Structure

Location Between Fifth and Third Ave
at Craftsman Court

Applicant Marteline Clemann

Ordinance Section _____

SITE DETAILS

Proposed Zoning: P-2

Existing Zoning: C-2

Parcel Size: _____

Height: _____

Parking Required: _____

Parking Provided: _____

Of Buildings: _____

Setbacks: N- _____ S- _____

E- _____ W- _____

In the following space, please describe the project or the request

To construct a new downtown Parking Structure at the existing surface parking lot between Fifth and Third Avenues.

ATTACHMENT #1

(If an additional page(s) is necessary, please attach.)

4-UP-2003



5th Avenue Municipal Use Master Site Plan

4-UP-2003

ATTACHMENT #2

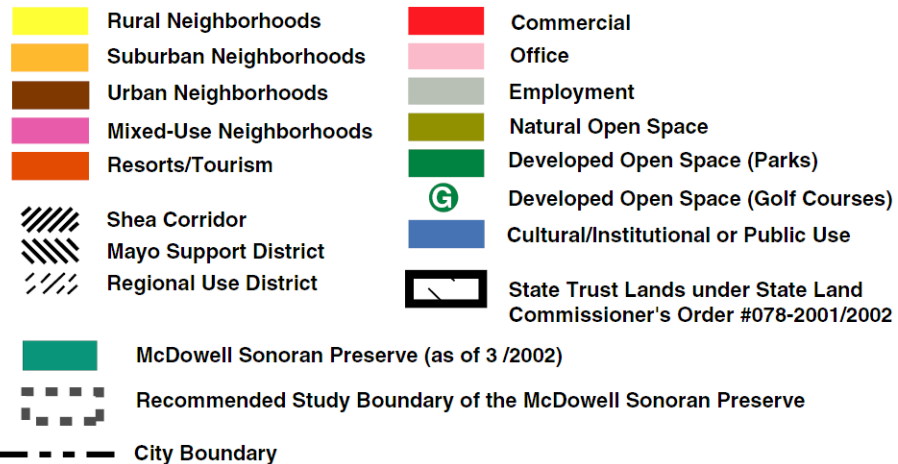
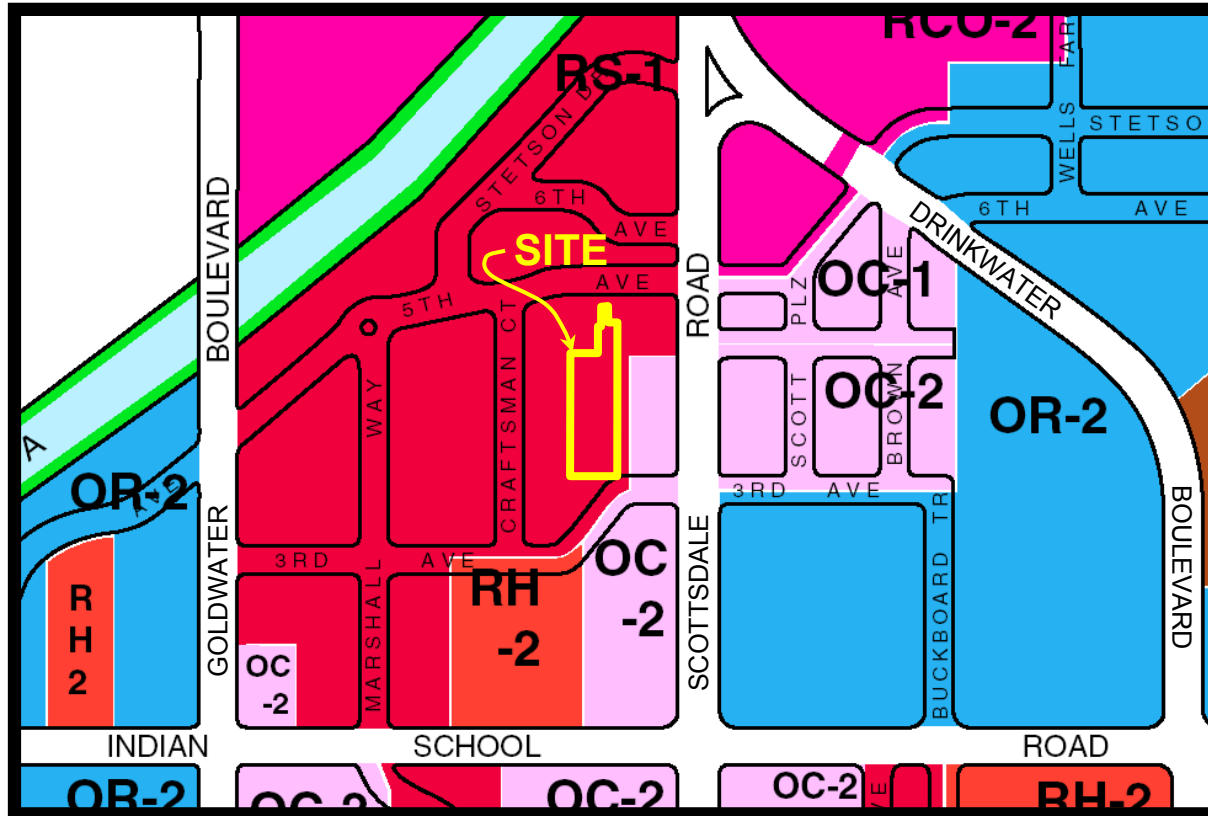


5th Avenue Municipal Use Master Site Plan

4-UP-2003

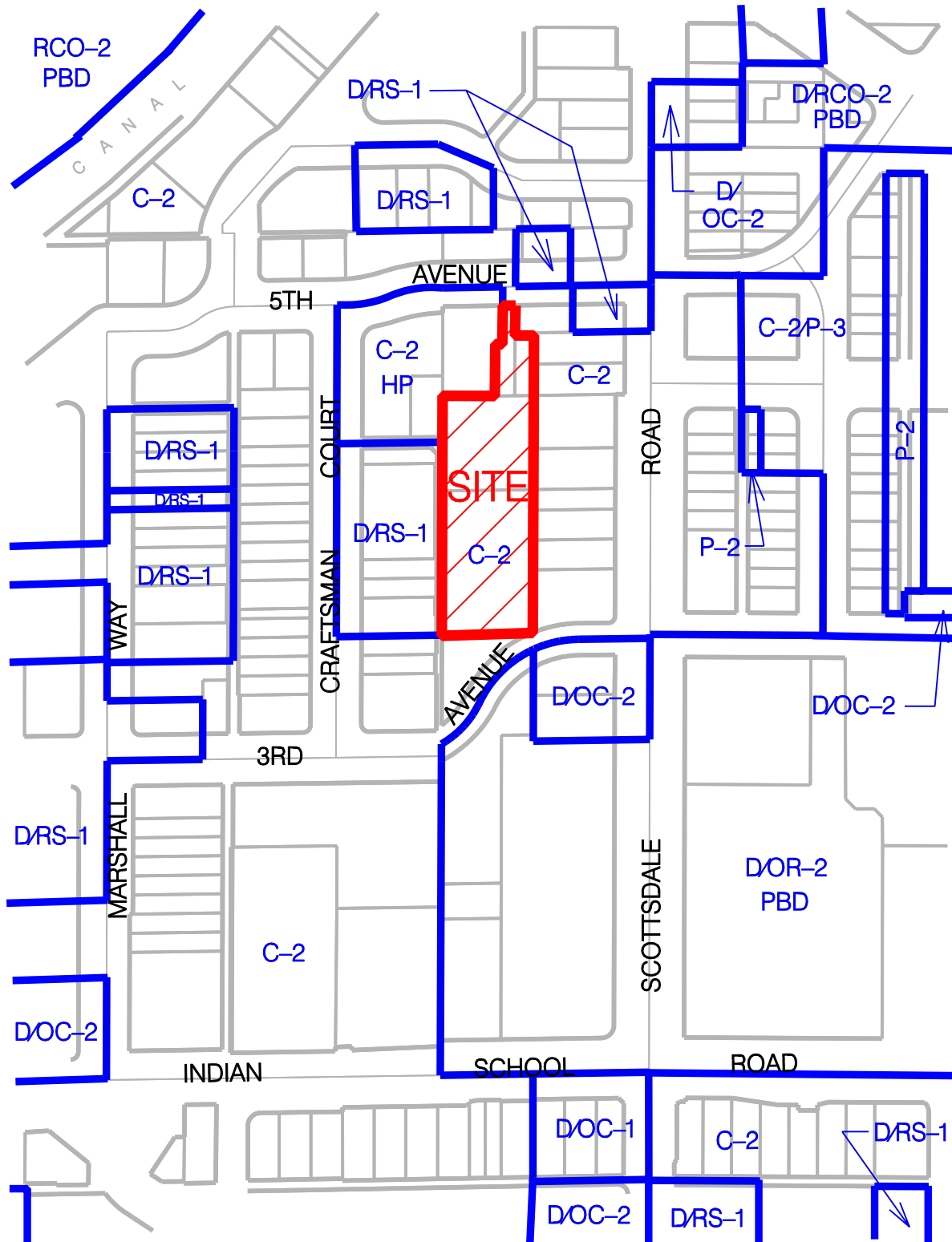
ATTACHMENT #2A

General Plan



4-UP-2003

ATTACHMENT #3



4-UP-2003

ATTACHMENT #4

STIPULATIONS FOR CASE 4-UP-2003

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO SITE PLAN. Development shall conform with the site plan submitted by [KPFF Consulting Engineers](#) and dated [4 April, 2003](#). These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.

Traffic Impact Summary
4-UP-2003
5th Ave. Garage

Background

On June 24, 2002, staff presented the City Council with a status update of the Canal project including the results of a technical evaluation and preliminary costs for a garage structure in the Fifth Avenue District. In the discussion that followed, council reaffirmed their support for the Fifth Avenue garage, and gave staff direction to consider other sites downtown for parking facilities. Subsequently the Fifth Avenue Garage was separated from the Canal project, and folded into the downtown Scottsdale Parking Program.

Walker Parking Consultants (November 2002) conducted a parking occupancy study for a major portion of downtown Scottsdale. The study results indicated that the ability of the existing parking supply to accommodate parking demand was marginal during peak hours, in the Old Town and 5th Avenue/Marshall Way Districts.

At the time of the study, the Fifth Ave. District building vacancies represented 71 percent of all downtown study area vacancies. It is because of the high vacancy rate in this district that daytime supply is adequate at this time. Were it not for the vacancies, the daytime parking deficiency would be worse than it is. It was calculated that the existing parking supply deficiency was only 38 spaces for the evening peak hour. In fact, if each vacant building were filled by the same business as before the vacancy occurred, the district would be deficient 356 spaces. Currently, the evening deficiency is being handled through the valet program, which leases many, but not all, of the district's private parking spaces. In addition, on busy nights in the district, cars are being illegally parked on private spaces when the public facilities are full.

Staff returned Council on October 15, 2002 and presented the results of a parking study and recommended a program of capital projects, parking operational improvements and a budget. The \$9.6 million budget included Transportation CIP funds (restricted to use for transportation related projects) as a major component. Following the direction of Council, Transportation Department staff finalized the planning process, initiated the design process, and is moving toward developing construction documents utilizing an internal and outside consultant team.

Existing Conditions

The site is located between Scottsdale Road and Craftsman Court, and between Third Avenue and Fifth Avenue in the downtown area. The 1.6-parcel property is currently being used as a surface parking lot that contains 187 spaces. The parking lot spaces were built from assessment district funding by the surrounding Fifth Avenue District businesses.

Proposed Development

The proposal is to construct a two-story parking garage in place of the existing surface parking lot. The existing 187 spaces will be incorporated into a 250-450 space garage. The garage project will not be detrimental to the existing on street or private parking spaces. A municipal use master site plan is required to allow the proposed parking structure on the site.

Summary

The new garage is not a destination itself; hence, it does not generate vehicle trips. Instead, it captures vehicle trips generated by all the adjacent district businesses and stores those vehicles near their destination. The district businesses have been assessed and charged for parking needs generated, as required, for their business use permits.

The purpose of the garage is to provide parking: 1) for the existing surface lot vehicles; 2) for future parking needs as building vacancies are filled; 3) for future growth in downtown; and 4) to reduce illegal parking.

OPEN HOUSE SIGN IN

NAME	ADDRESS	PHONE
Fred Unger	7154 E. Stetson, Scottsdale	480-874-1002 x11
Ponder Rogers	7078 E 5th Avenue, Scottsdale	
Joel Schwartz	7070 E 5th Avenue, Scottsdale	
Warren M Silver	4130 N. Marshall Way, Scottsdale	
Cindi M Hoffman	7044 E %th Avenue, Scottsdale	
Patty Badenoch	5027 N 71st Pl, Scottsdale 85253	
Betsy Hendricks	4130 N Marshall Way, Scottsdale	
Janet Harris	6939 5th Avenue, Scottsdale 85251	
Sam West	8160 N Hayden, J210, Scottsdale 85258	
Sonnie Stevens	8507 E Highland, Scottsdale 85251	
Darin Simmer	2705 N Greenfield, Phoenix 85006	602-809-7595
Nussbaum	13054 N 94th Pl, Scottsdale 85260	480-451-8997
Norm Tang	802 E Braaeburn Dr Phoeix 85022	
JoAnn Handley		480-946-0394
Lorraine White		480-991-3026
Rich Summer		480-945-6794
Rewier Luedelke		480-837-2390

Fifth Avenue Parking Structure Comments

1. RR – North Side
 - 2 No Street Events during construction * **Really important**
 - 3 Loading Zone at North end
 - 4 Valet Parking in one location only during construction (mall)
- Darin Simmer
2705 N Greenfield Rd.
Phoenix, AZ 85006

This parking is vitally needed for the 5th Avenue area. The concept presented addresses this problem at least to some extent

JoAnn Handley

The view of the cost considerations perhaps in this case, the 36 would not look so bad especially since the parking garage will be pretty much blocked in by other buildings.

Patty Badenoch
5027 N 71st Pl
Scottsdale, AZ 85253

Should keep restroom at the 5th and Stetson and still add the two on the new structure.

I would rather see a 1st level below ground and only 2 levels above ground.

Incorporating services ie trolley stops, water fountains, restrooms

Joel Schuartz
7070 E 5th Avenue

We prefer 2 level parking with below ground. We have concerns with loading in alley. Thanks for the effort. This is very encouraging.

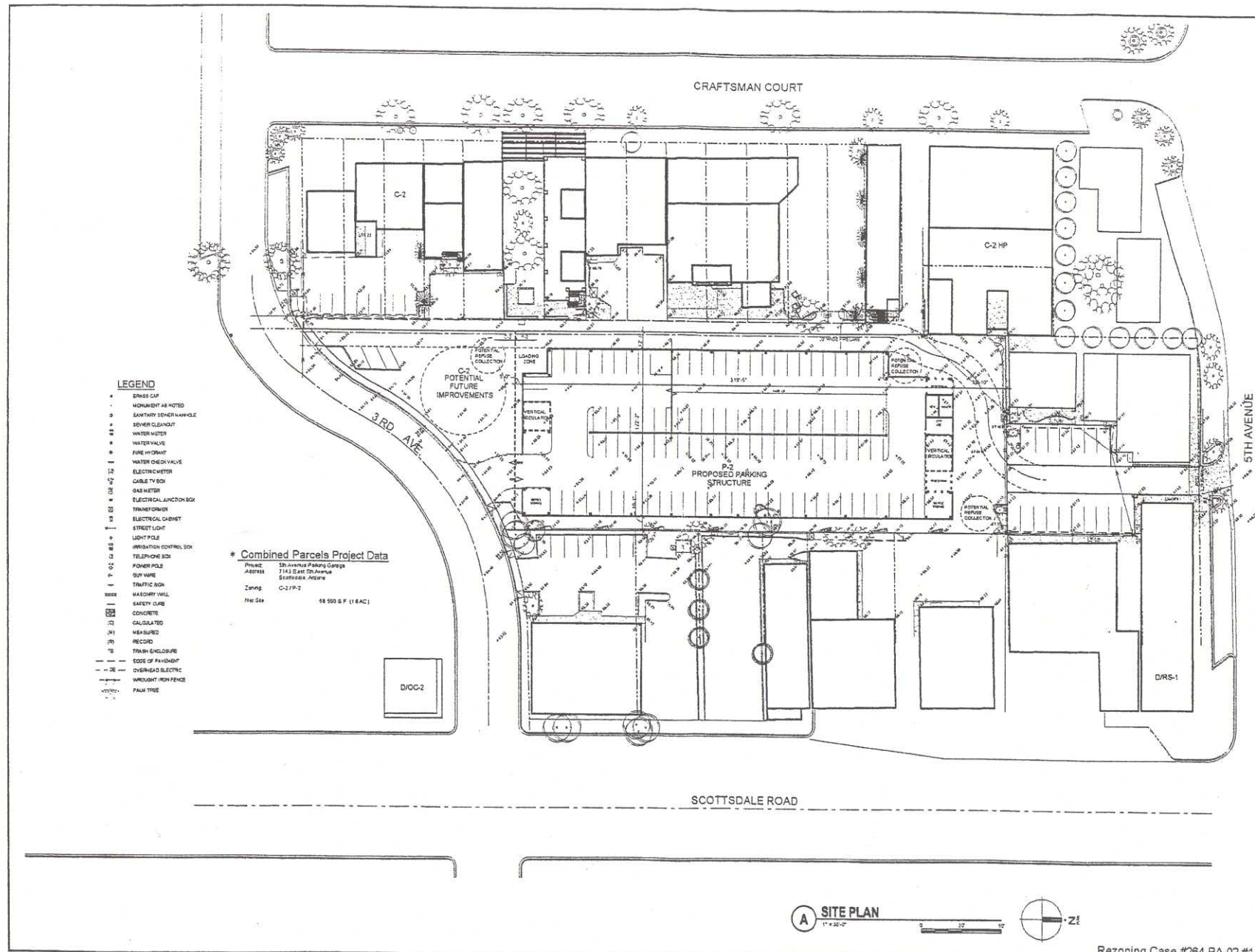
Rolf & Kris Gruller
Framers Workshop
4161 N Craftsman Court

I think you should consider going down a story (underground)

However, it's not bad the way it is

JUST GET IT DONE!

Janet Harris
6939 5th Avenue



DFDG

• Architecture
 • Planning
 • Interiors

**DICK & FRITSCHÉ
 DESIGN GROUP**

4545 East McKinley Street
 Phoenix, Arizona 85008
 Telephone 602.954.9060
 Fax 602.954.9954
 www.dfdg.com



City of
 Scottsdale
 Parking
 Structures

Scottsdale, Arizona

Schematic Design

ATTACHMENT #8

DFDG Project # 0301

SITE PLAN

4-UP-2003

A1.1
 Sheet Number

Rezoning Case #264-PA-02 #1

PLANNING COMMISSION REPORT



MEETING DATE: June 11, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT REQUEST

Mountainside Fitness Express

Request to approve for a conditional use permit for a health studio in a portion of the 11.96 +/- acre parcel located at 9181 E Bell Road with Industrial Park (I-1) zoning.

6-UP-2003

Key Items for Consideration:

- On-site parking is sufficient for the proposed use.
- The facility will not generate an unusual volume of traffic.
- The use is generally compatible with adjacent uses and offers a service to the surrounding employment core.
- No public opposition has been received.

Related Policies, References:

- Case 33-ZN-2000 created the Horseman's Park Planned Community Development overlay in March 2001.
- The site was zoned I-1 (Industrial Park) in 2001.

OWNER

Bwe 2000 LLC
480-348-7470

APPLICANT CONTACT

James Elson
James Elson Architect
480-515-9332

LOCATION

9181 E Bell Rd

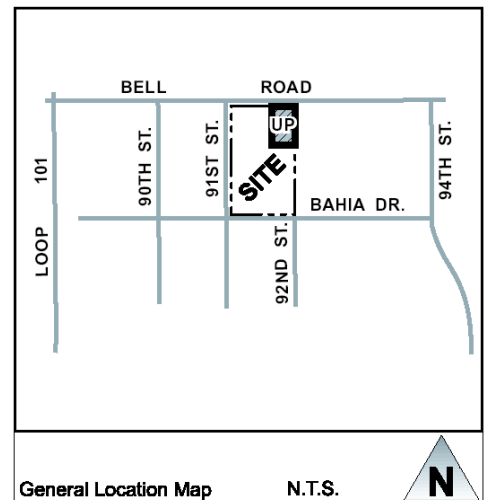
BACKGROUND

Zoning.

The site is zoned I-1 (Industrial Park) within a Planned Community Development (PCD). The I-1 zoning district allows health studios with conditional use permits. The PCD was applied and dealt with amended development standards to preserve views of the McDowell Mountains along the Bell Road corridor.

General Plan.

The General Plan Land Use Element designates the property as Employment, which supports a variety of regional and community level activities. This category permits a range of employment uses such as light industrial, offices,



and other mixed uses.

Context.

This site is located at the southwest corner of Bell Road and 92nd Street in the McDowell Mountain Business Park formerly known as Horseman's Park. The surrounding property includes the following:

- North – State Land, I-1 PCD
- East – Coyote's Ice Den and Healthsouth (zoned C-3 PCD)
- South and West– McDowell Mountain Business Park (zoned I-1 PCD)

**APPLICANT'S
PROPOSAL**

Goal/Purpose Of Request.

The conditional use permit will allow a health studio to provide health and fitness activities, as well as weight and cardio training sessions for both general members and one-on-one customers. The health studio will be developed within an existing 20,000-square-foot building; it will be one of 8 buildings within this business complex. The facility will be fully self-contained and all activities will be conducted indoors. The health studio has the capacity to accommodate 30 to 50 patrons and 10 staff. An associated childcare room is provided. Available parking on this site is adequate for this use. Also, the facility has access to 92nd Street to the east and 91st Street to the west, which contains a signalized intersection at Bell Road.

IMPACT ANALYSIS

Development information.

- | | |
|------------------------------------|--|
| • <i>Existing Use:</i> | Newly constructed, unoccupied building. |
| • <i>Buildings/Description:</i> | Facility is a tenant improvement space in the larger 20,000-square-foot building |
| • <i>Parcel Size:</i> | 11.96 +/- acre business center containing 8 buildings |
| • <i>Building Height Allowed:</i> | 36 feet |
| • <i>Existing Building Height:</i> | 26 feet |
| • <i>Floor Area:</i> | 5,000 square feet |
| • <i>Parking:</i> | 32 spaces required, 51 spaces provided |
| • <i>Other:</i> | Part of 175,000-square-foot industrial park, 8-building complex |

Traffic.

The applicant provided specific operational information from which City transportation staff estimated daily trips generated for the proposed use. For example, this use includes about ten (10) employees and thirty to fifty (30-50) clients at any one time. Based on this information, the peak vehicle trips generated will be 55 per hour, i.e. one trip in and one trip out, with four or eight employee's trips more widely spaced. Peak hours of customer usage are anticipated to be 5-7 AM, 11AM-1PM and 4 to 7 PM. A signalized intersection is located at 91st Street and Bell Road, along the west side of the business center. The anticipated amount of traffic generated from the use will not create an on-site or public street traffic problem.

Water/Sewer.

City water and sewer lines are provided to the site from 92nd Street as part of the Bell Road II Improvement District.

Police/Fire.

Rural Metro has reviewed this proposal and it conforms to the minimum requirements for fire protection and fire apparatus access.

Open space, scenic corridors.

A fifty-foot-wide, buffered setback is situated along Bell Road, adjacent to the north side of the site.

Policy implications.

The proposal conforms to the Horseman's Park West Planned Community Development Overlay established for this area.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *Activities are conducted completely indoors.*
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - *Private vehicles will be used by staff and customers of the facility. No excessive amount of traffic will be generated by the use.*
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - *The facility is self-contained and will not adversely affect or cause a negative impact on surrounding land uses.*
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - *The health studio provides a physical activity center that will serve the community, employment center, and industrial park area.*

Community involvement.

Letters of notification have been sent to adjacent property owners within 750 feet of the site. Four (4) letters of support have been received and no letters, emails, or phone calls of objection have been received. The applicant held a public open house on May 29, 2003. Comments concerning the meeting are enclosed as Attachment #7.

Community Impact.

The project will provide fitness-training services for the surrounding neighborhood and for the community. The health studio will be contained within an existing building in the industrial park. The building has sound attenuation walls to assure all sound is contained with the structure.

Membership is available to the general public and to both individuals and families. No conflicts or problems are anticipated with adjacent land uses.

**STAFF
RECOMMENDATION****Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Al Ward
Senior Planner
480-312-7067
E-mail: award@ScottsdaleAZ.gov

APPROVED BY



Al Ward
Senior Planner
Report Author



Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Traffic Impact Summary
7. Citizen Involvement
8. Floor Plan
9. Site Plan

APPLICANT
SUBMITTED
DOCUMENT

Subj: FW:
Date: 4/8/2003 12:40:08 PM US Mountain Standard Time
From: agatha@mountainsidefitness.com
To: j4747e@aol.com
File: **RedMtnsdFitExp.pdf** (438354 bytes) DL Time (TCP/IP): < 1 minute
Sent from the Internet (Details)

-----Original Message-----

From: TOM HATTEN
Sent: Tuesday, April 08, 2003 11:03 AM
To: AGATHA MAGIERA-HAUG
Subject:

Mountainside Fitness Express

A New Dimension in Personal Training Fitness Centers

This 5,000 square foot personal fitness center is the largest of it's kind in the valley. With 20 pieces of cardiovascular equipment and 60 pieces of selectorized and free weight stations this rivals some larger clubs, but that is where the similarity ends. Each cardiovascular station has it's own 15" "Personal Viewing Station" with the ability to choose from 10 video and 5 audio channels. A 400 sq. foot room for group personal training and some of the most unique exercise stations ever done in a fitness center. The locker rooms will boast the valley's first "Personal Steam Showers" and unique "digilock" locker systems. The lobby has computer stations set up for members to access their e-mail and internet. Mountainside will offer the first internet health club software where members can check their account, set up training appointments, even change their workout at home home and print it out at the club. You can even download your treadmill workout into your PDA change it and upload it into the treadmill the next time you come in.

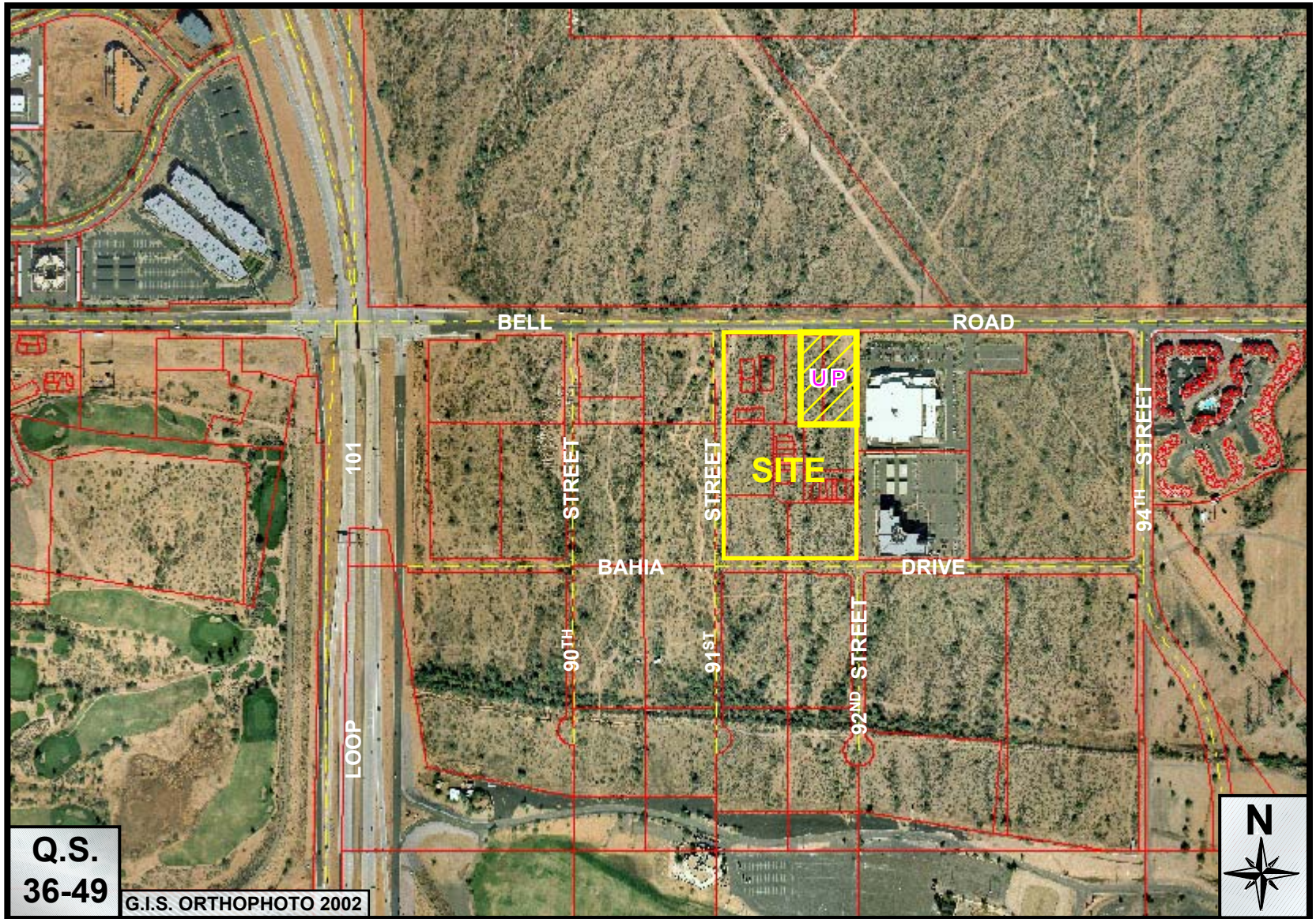
All memberships will included two personal training sessions a month and childcare. All Express members will have access to any full size Mountainside Fitness Center six times per month including all aerobic classes, basketball and volleyball leagues. Each Express is located within 5 miles of a full size Mountainside Fitness Center.

Mountainside Fitness Express - experience the personalized attention you deserve and achieve the goals you desire!

Saturday, April 11, 1998 America Online: J4747E

6-UP-2003
4/14/2003

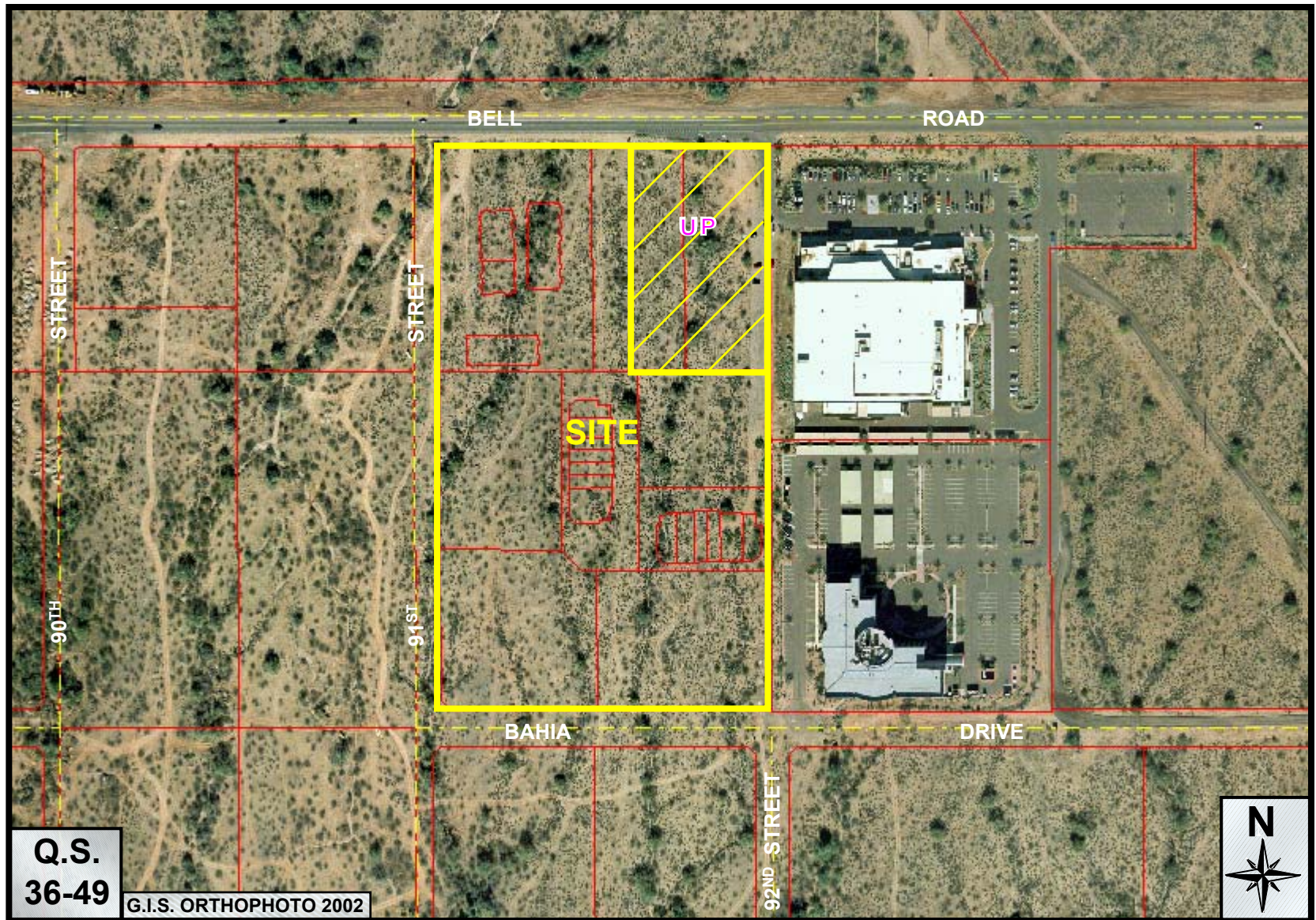
ATTACHMENT #1



Personal Fitness Center

6-UP-2003

ATTACHMENT #2

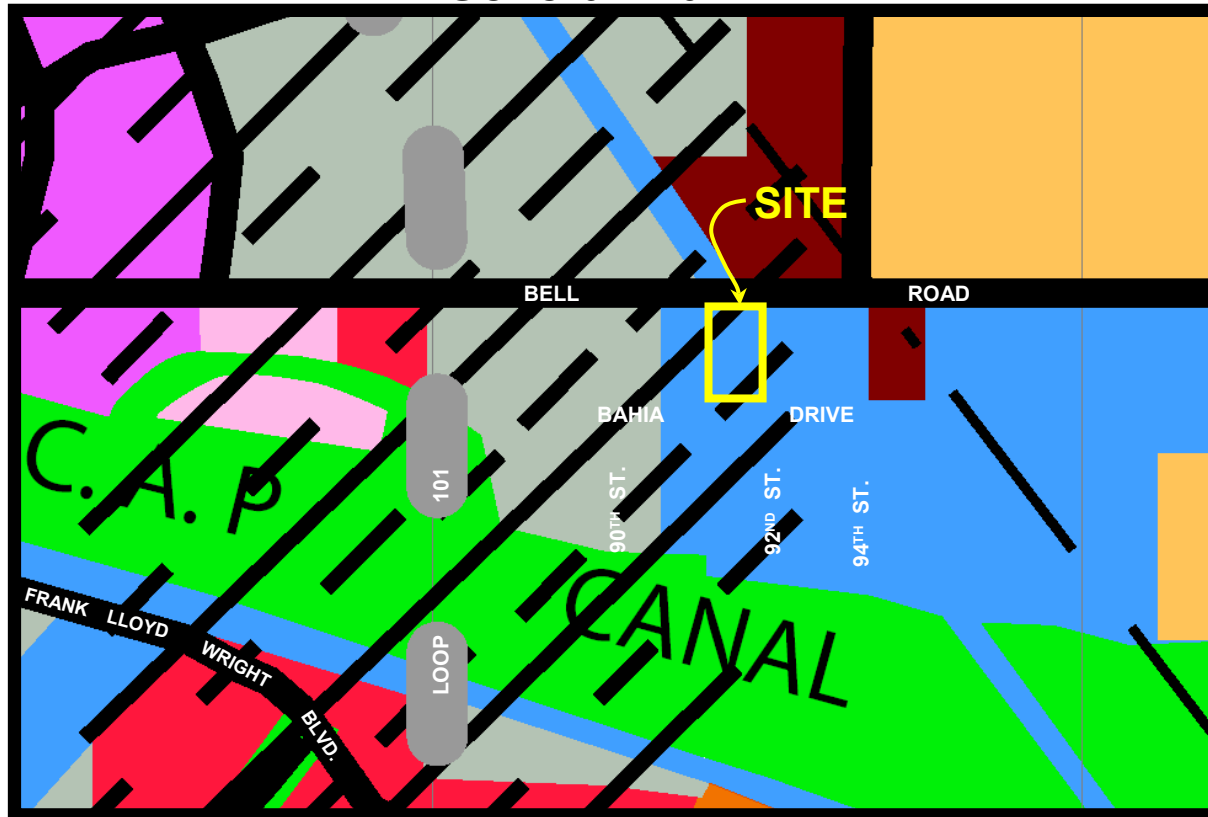


Personal Fitness Center

6-UP-2003

ATTACHMENT #2A

General Plan

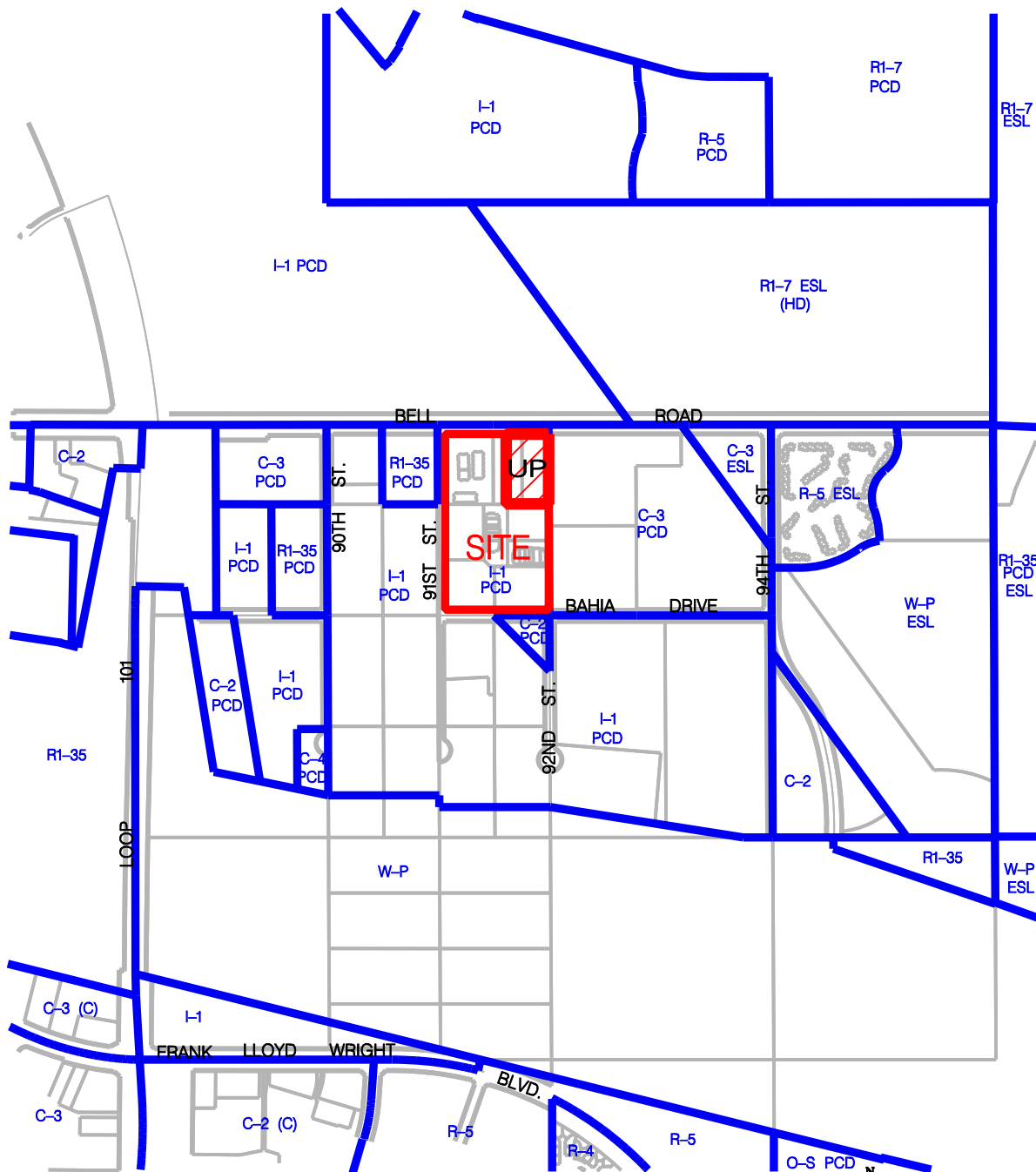


- | | |
|---|--|
| Rural Neighborhoods | Commercial |
| Suburban Neighborhoods | Office |
| Urban Neighborhoods | Employment |
| Mixed-Use Neighborhoods | Natural Open Space |
| Resorts/Tourism | Developed Open Space (Parks) |
| Shea Corridor | Developed Open Space (Golf Courses) |
| Mayo Support District | Cultural/Institutional or Public Use |
| Regional Use District | State Trust Lands under State Land Commissioner's Order #078-2001/2002 |
| McDowell Sonoran Preserve (as of 4/2002) | |
| Recommended Study Boundary of the McDowell Sonoran Preserve | |
| City Boundary | Location not yet determined |



6-UP-2003
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of April 2, 2002



6-UP-2003

ATTACHMENT #4

STIPULATIONS FOR CASE 6-UP-2003

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO DEVELOPMENT SUBMITTAL. Development shall conform with the floor plan submitted by James Elson Architect and dated 4/14/2003. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. OPERATION TO BE CONDUCTED INDOORS. All activities associated with the health studio operation shall be conducted completely indoors, within the designated building.
3. NOISE CONTAINMENT. Noise created from the health facility shall be contained completely within the subject building and shall not be audible from adjacent uses in the center.
4. CHILD CARE LIMITATION. The child care area shall be for the use of members only, while using health studio facilities, during normal business hours.

Traffic Impact Survey

The site is located in the Horseman's Park overlay and transportation impact assessments for the Bell Road II Improvement District area have been previously conducted with capacities incorporated in the current street design standard. No traffic impact survey was required with this health studio, which is incorporated into a larger industrial center and a variety of tenant users were anticipated for this site. The applicant has provided information relating to the size, capacity, staffing and operation from which estimated daily trip generation have been estimated for the proposed use. About ten (10) employees and thirty-fifty (30-50) clients can be accommodated at the facility at any time.

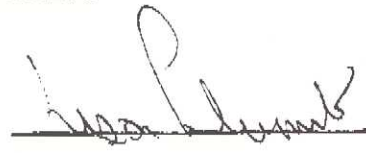
Based on this information, an estimated 420 vehicle trips will be generated from the site per day. Peak hour traffic is estimated to be about 55 vehicle trips per hour. Peak hours of customer usage are anticipated to be 5-7 AM, 11AM-1PM and 4 to 7 PM. A signalized intersection is located at 91st Street and Bell Road, along the west side of the business center. Cross access agreements provide for through access from the site to both 91st and 92nd Streets. The anticipated amount of traffic generated from the use will not create an on-site or public street traffic problem and volumes can be accommodated by the existing street system in the area. Parking is provided on site with 32 spaces are required, 51 are provided.

April 24, 2003

BWE 2000, L.L.C.
16611 N. 91st Street, Suite 105
Scottsdale, Arizona 85260

We have reviewed the proposed use permit application and related criteria for **Mountainside Fitness Express**, located at 9181 East Bell Road, Suite 101, and are in support of this proposal and use.

Plum Dance Studio



Lisa Plumb - Owner

(No dance / gymnastics)

5-5-03
Date

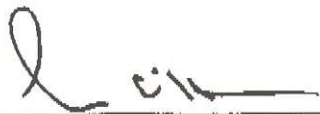
6-UP-2003

April 24, 2003

BWE 2000, L.L.C.
16611 N. 91st Street, Suite 105
Scottsdale, Arizona 85260

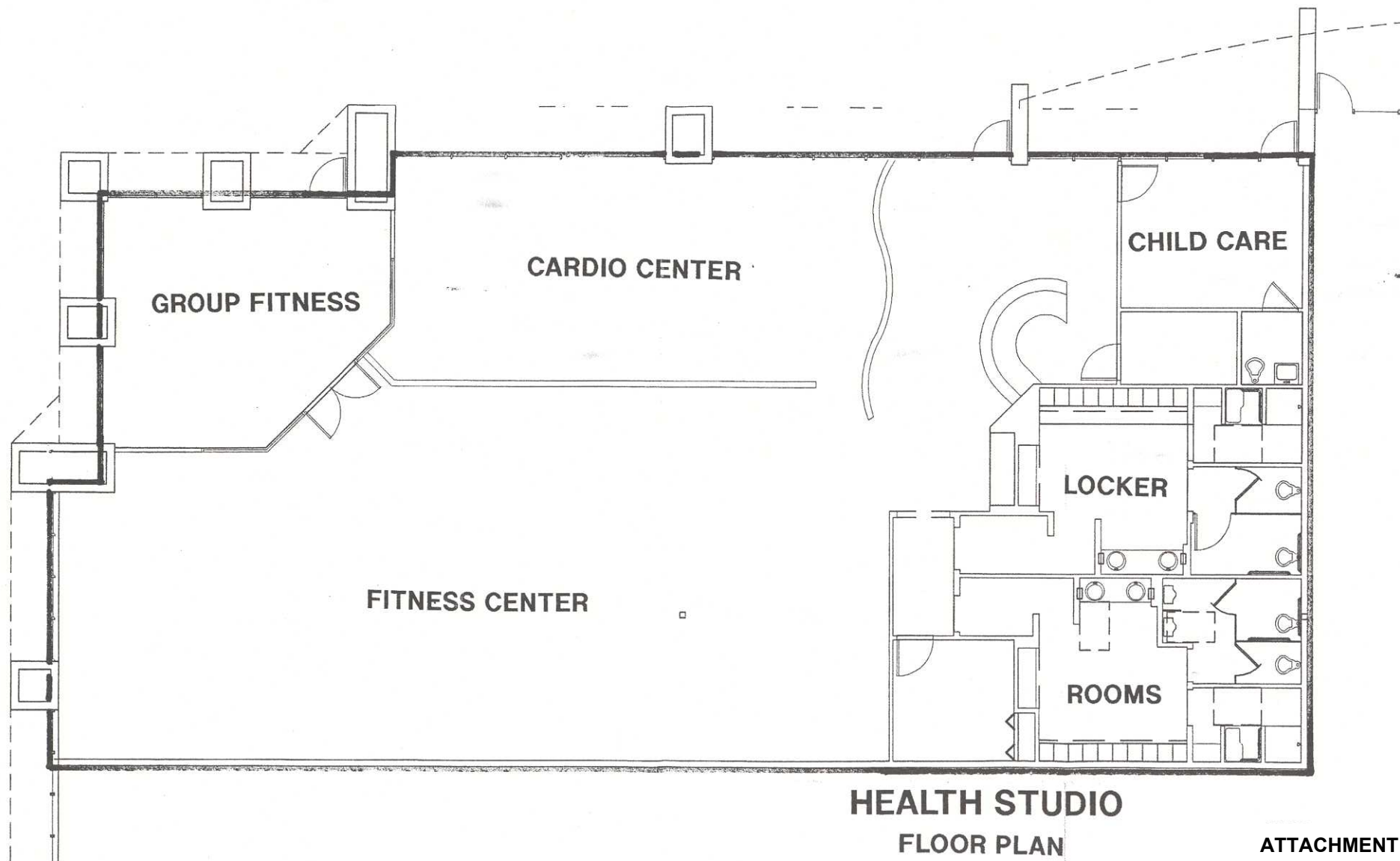
We have reviewed the proposed use permit application and related criteria for **Mountainside Fitness Express**, located at 9181 East Bell Road, Suite 101, and are in support of this proposal and use.

Alltel Ice Den

A handwritten signature in black ink, appearing to be "L. C. H.", written over a horizontal line.

4/30/03
Date

6-UP-2003



**HEALTH STUDIO
FLOOR PLAN**

5,000 SQ. FT.

ATTACHMENT #8

6-UP-2003
4/14/2003

LOT AREA

LOT AREA 522,130 SF
(11.986 AC)

ZONING: I-1
BUILDING HEIGHT: 26'-8"

BUILDING AREAS:

A AREA	21,407 SF
B AREA	21,407 SF
C AREA	20,907 SF
D AREA	17,350 SF
E AREA	17,804 SF
F AREA	23,111 SF
G AREA	21,720 SF
H AREA	31,518 SF

TOTAL 178,224 SF

PARKING:

BUILDING A	43 SPACES 1447
BUILDING B	43 SPACES 1446
BUILDING C	46 SPACES 1454
BUILDING D	23 SPACES 1754
BUILDING E	34 SPACES 1023
BUILDING F	62 SPACES 1072
BUILDING G	64 SPACES 1059
BUILDING H	64 SPACES 1053

PARKING PROVIDED: 484 SPACES

OPEN SPACE REQUIRED:

GENERAL	
522,130 X 10% + (28.67-12) X 0.4 = 15.87% =	82,862 SF
PARKING	
221,100 SF X 15% =	33,165 SF
TOTAL REQUIRED	116,027 SF

OPEN SPACE PROVIDED:

GENERAL	88,877 SF
PARKING	33,434 SF
TOTAL PROVIDED	122,312 SF

LOT COVERAGE:

178,224/522,130 33.56%

H/C SPACES REQ'D.:

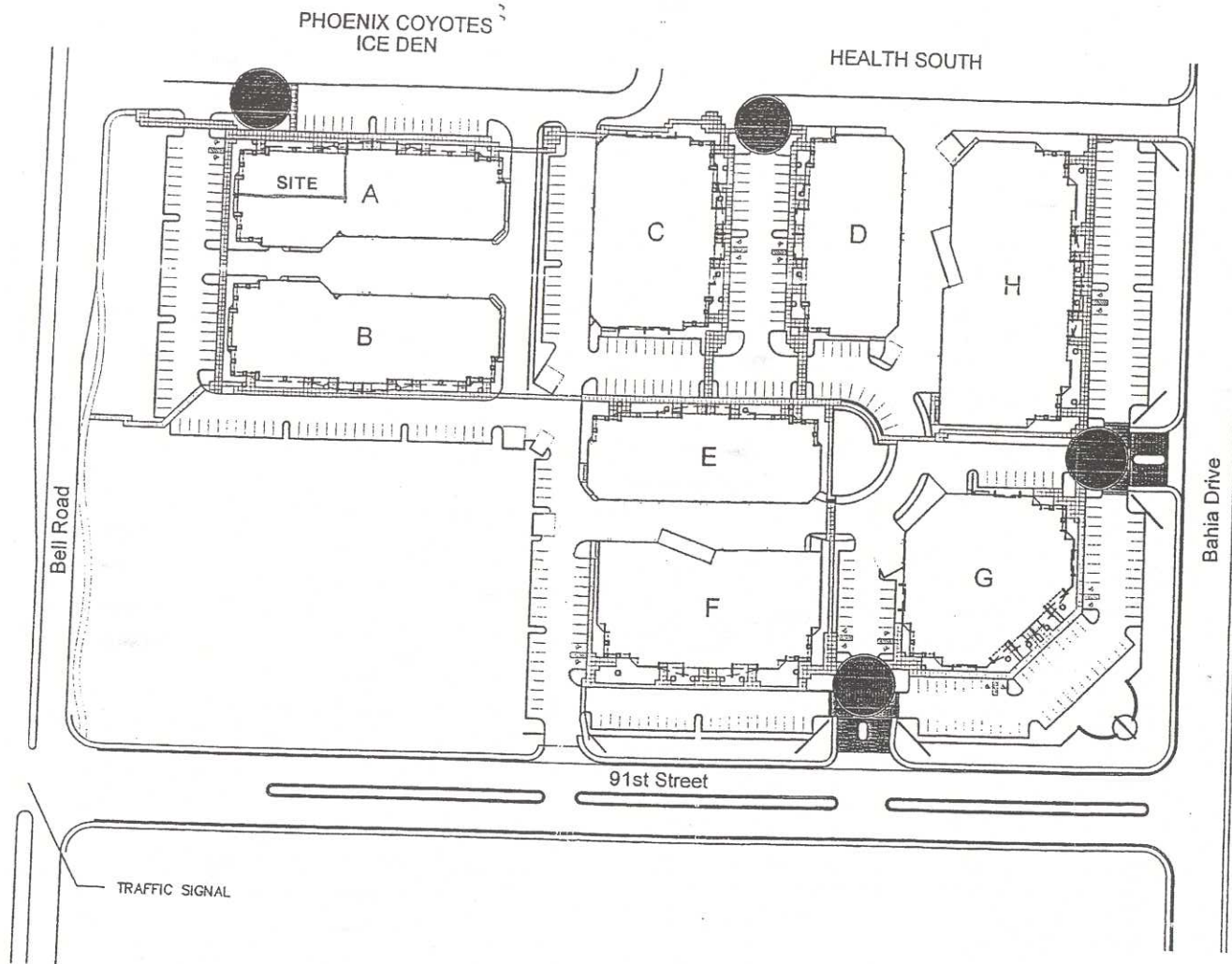
382 SPACES X 4% = 15 SPACES

H/C SPACES PROV.: 20 SPACES

BIKE RACKS REQ'D.:

484 SPACES / 10 = 48 RACKS

BIKE RACKS PROV.: 48 RACKS



AN INDUSTRIAL PROJECT FOR BWE 2000, L.L.C.
McDOWELL MOUNTAIN BUSINESS PARK
G.I.O. LOTS 8, 19 & 20

JAMES E. LSON
15770 north
greenway hayden loop
suite one hundred four
scottsdale, arizona
85260
area code (480)
348-7460 telephone
348-7462 fax
348-7463 modem



james
elison

architect SD-1



SITE PLAN

0 25 50 100 150
1"=50'

ATTACHMENT #9

6-UP-2003
4/14/2003

PLANNING COMMISSION REPORT



MEETING DATE: June 11, 2003

ITEM NO. _____

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT Abandonment of Right-Of-Way

REQUEST Request to consider the following:

1. Abandon the south 15 feet of the south 40 feet of Black Mountain Road, and the west 20 feet of the west 40 feet of 81st Street.

6-AB-2003

Related Policies, References:
(3-AB-91)

OWNER Jonathan Lurie

APPLICANT CONTACT Mirage Investments
3533 N. 70th Street, Suite 103
Scottsdale, Arizona 85251
602-577-3521

LOCATION E Black Mountain Rd / N 81st Street (Southeast Corner)

BACKGROUND

Background.

The subject 15 feet of Black Mountain Road and 20 feet of 81st Street right-of-ways were originally dedicated in the County in 1956. Black Mountain Road has half-street improvements that were done at the time of the Sandflower Development to the north. 81st Street is not improved but is graded and is accessible in fair weather conditions.

Zoning.

The site is zoned R1-43, Single Family Residential with Environmentally Sensitive Lands.

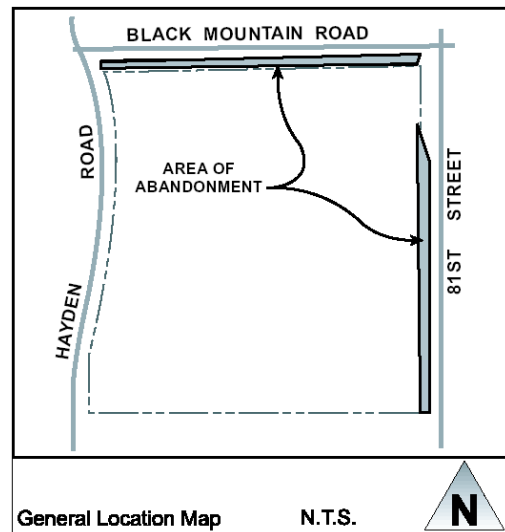
Context.

This abandonment is being processed in conjunction with a proposed subdivision. The subdivision proposes to create seven lots accessed by a private, internal road. The private street will exit out onto the existing, improved local collector, Hayden Road.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

This request is to abandon 15 feet of Black Mountain Road right-of-way and 20 feet of 81st Street right-of-way. The Black Mountain Road remaining south 25-foot half-street right-of-way is the City's requirement for a local collector. 81st street requires a 20-foot half-street right-of-way for a local street. A 40-foot, half-street section for 81st Street immediately south of Black Mountain Road will need to be maintained since a large saguaro and other vegetation occupies the entire area.



A public utility easement would be retained over the subject right-of-ways until such time as exact easement locations are determined.

The new Master Trails Plan calls out a trail down the west side of Hayden Road, along the Boulders property. There are no trail requirements across either of the proposed right-of-way abandonment alignments.

Key Issues.

- Maintains consistency with city street standards as approved by the Transportation Department.
- The new subdivision would dedicate a private, internal street to provide lot access.
- Public utility easements are reserved according to the utility company requirements.
- The new Trails Master Plan has no trail requirements across the subject right-of-way alignments.

IMPACT ANALYSIS**Departmental Responses.**

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Transportation Impact.

The proposed residential development fronts two local collector streets: Hayden Road and Black Mountain Road. A 25-foot half-street right-of-way dedication is required on each. There is a 25-foot half-street dedication along Hayden Road and a 40-foot half-street dedication along Black Mountain Road; therefore, the abandonment of 15 feet along Black Mountain Road is appropriate. 81st Street is a local residential street on the east side of the tract, with a current 40-foot half-street right-of-way dedication. Only 20 feet is required, thus the abandonment of 20 feet is appropriate, except for the area adjacent to Black Mountain Road where the 40-foot half-street dedication will be retained for a short distance because of terrain features.

Community Involvement.

After providing notice to adjacent property owners, the applicant held a public open house on May 22, 2003 regarding the abandonment and associated plat. Sixteen (16) people attended the meeting.

No objections to the abandonment have been received; however, comments related to the proposed subdivision recommended that access be off of Black Mountain Road or 81st Street rather than Hayden Road. Two property owner phone calls requested that staff require half-street improvements, including the paving of 81st Street.

Property owners noted that areas to be abandoned along 81st Street, were heavily vegetated and contained some rock features. Several people expressed the desire that these areas be Natural Area Open Space (NAOS).

Community Impact.

The abandonment of the subject right-of-ways will reduce the amount of area that can be used for public roadway purposes. The proposed plat will incorporate the abandoned areas into lots and tracts. The proposed subdivision

will be responsible to complete the roadway improvements for Black Mountain Road, which include pavement, curb, and gutter. 81st St will also be improved to a local neighborhood standard.

**OPTIONS AND STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends approval subject to a public utility easement reserved over, under, and across the subject property.

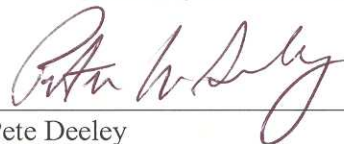
**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department

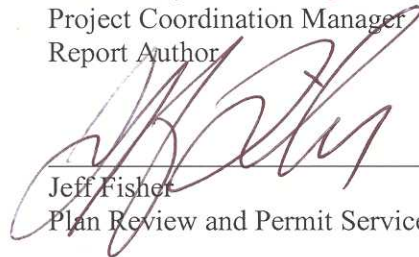
STAFF CONTACT(S)

Pete Deeley
Project Coordination Manager
480-312-2554
E-mail: pdeeley@ScottsdaleAZ.gov

APPROVED BY



Pete Deeley
Project Coordination Manager
Report Author



Jeff Fisher
Plan Review and Permit Services Director

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Area Trails Plan
5. Proposed Subdivision

CASE 6-AB-2003

Department Issues Checklist

☒ Support

The reduction in the subject right-of-ways will not affect the ability to provide the approved local street configuration per the City's Transportation Department.

Trails

☒ Support

The new Master Trails Plan requirement in this area shows a trail along west side of Hayden Road, along the Boulders property. There are no requirements for trails along the subject right-of-way alignments.

Adjacent Property Owner Notification

☒ Support

All adjacent property owners within 750 feet have been noticed and invited to a neighborhood meeting on May 22, 2003 at El Pedregal between 7 and 9 PM. Also include in the notice was a description of the abandonment and subdivision plat proposal. Two property owners to the east had concerns about improving 81st Street.

Public Utilities

☒ Support

Letters of support from the affected public utility companies are on file with the City of Scottsdale as long as a public utility easement is reserved over the subject right-of-ways until such time as all utilities are located.

Emergency/Municipal Services

☒ Support

Emergency service vehicle access is being provided along the proposed private street.

Water/Sewer Services

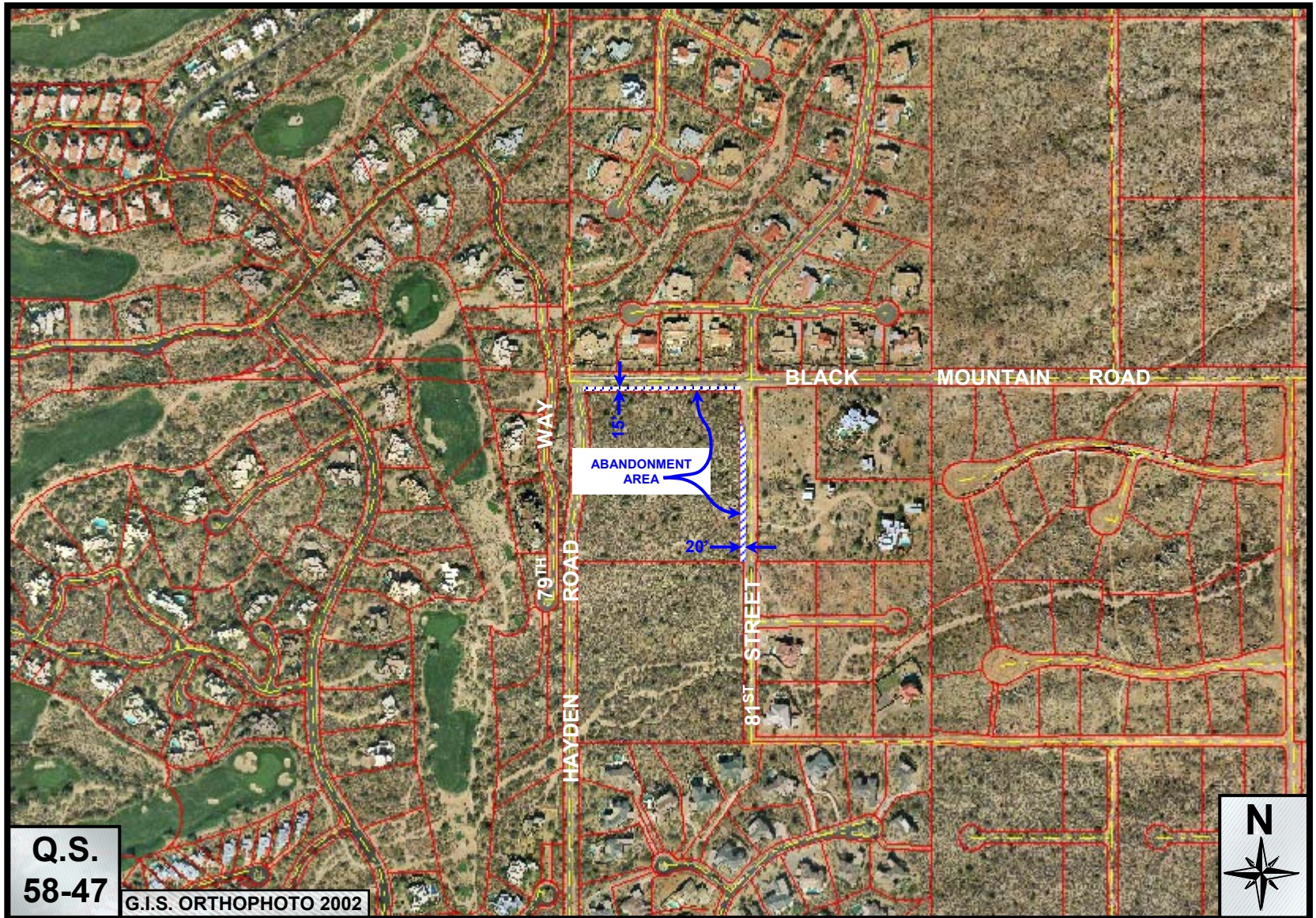
☒ Support

Water and sewer services have no objection to the abandonment.

Drainage

☒ Support

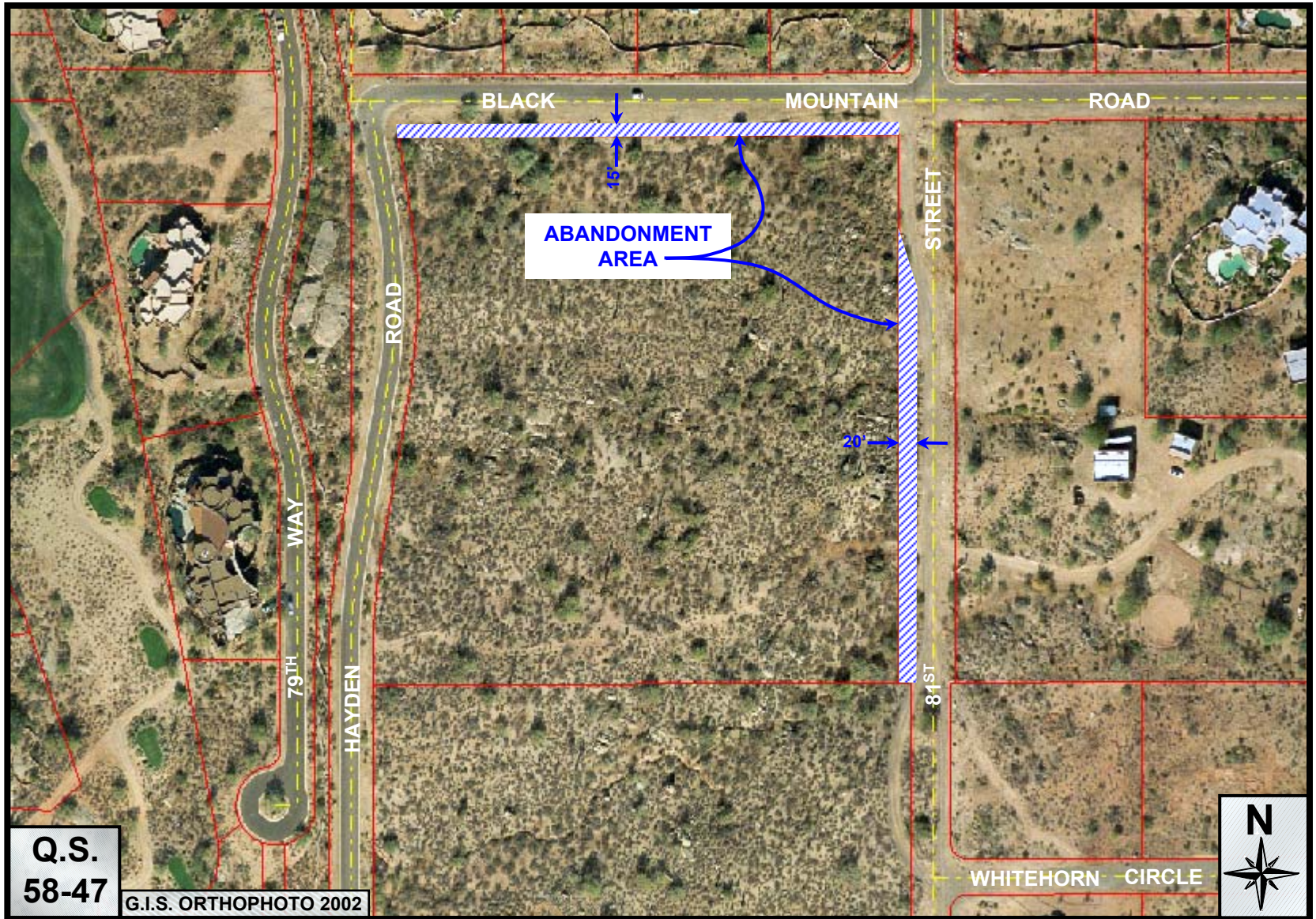
Drainage easements for washes over 50 cubic feet per second will be required at the time the property is redeveloped.



Hayden Road and
Black Mountain Road Property

6-AB-2003

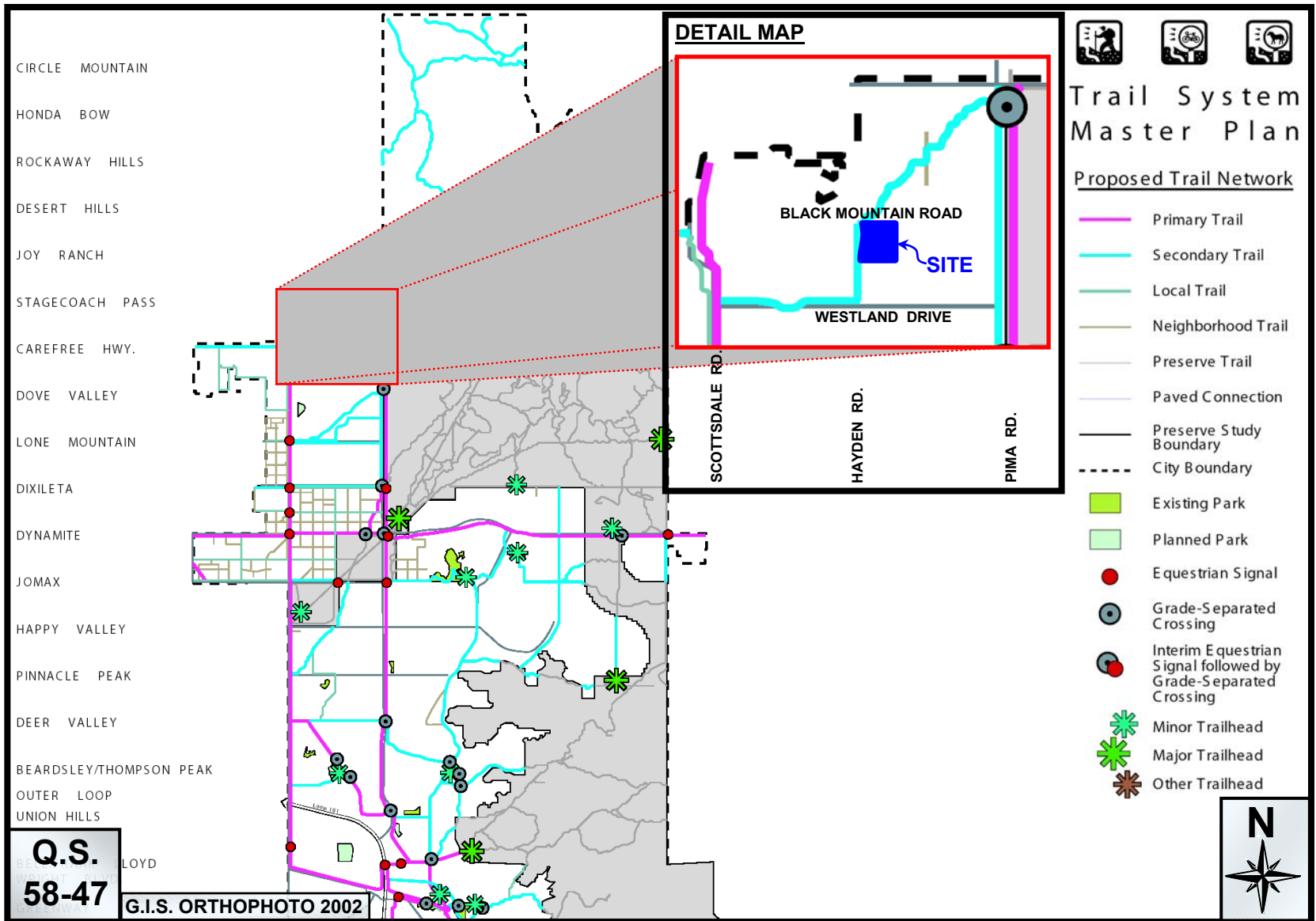
ATTACHMENT #2



Hayden Road and
Black Mountain Road Property

6-AB-2003

ATTACHMENT #3



Hayden Road and Black Mountain Road Property

6-AB-2003

ATTACHMENT #4

APN 216-48-538
ZONING R1-18 PCD ESL

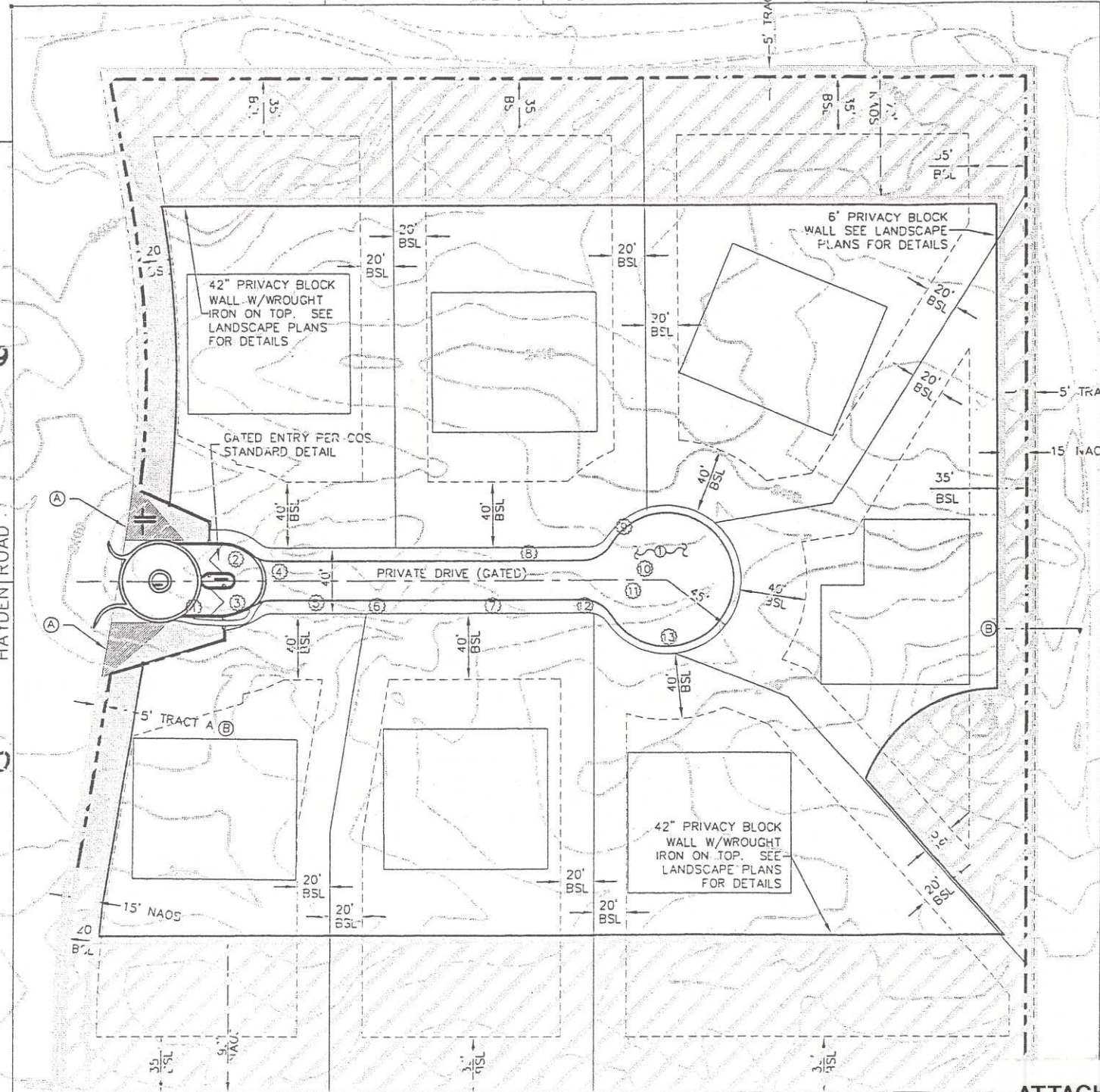
ZONING R1-43 ESL (HD)

BLACK MOUNTAIN ROAD

APN 216-48-539
ZONING R1-18 PCD ESL

APN 216-48-540
ZONING R1-18 PCD ESL

HAYDEN ROAD



81ST STREET

UNDEVELOPED
ZONING R1-43 ESL

PLANNING COMMISSION REPORT



MEETING DATE: June 11, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Old Town Parking

REQUEST

Request to approve a municipal use master site plan for a parking garage on a 2.45 +/- acre parcel located at 7335 E Main Street with Central Business (C-2) and Highway Commercial (C-3) zoning.

9-UP-2003

Key Items for Consideration:

- Parking demand exceeds parking supply
- Proposed parking garage with 250 to 350 additional parking spaces to replace an existing, 70-space, surface parking lot

Related Policies, References:

- General Plan Land Use Element
- Downtown Plan

OWNER

City of Scottsdale Capital Project Management
480-312-7769

APPLICANT CONTACT

Madeline Clemann
City of Scottsdale
480-312-2732

LOCATION

7335 E Main St

BACKGROUND

Context.

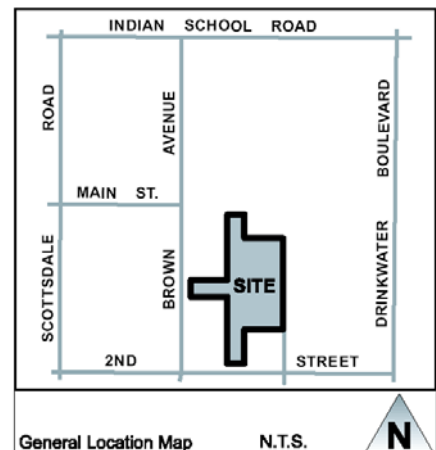
This site is located east of Brown Street. The surrounding property is zoned Central Business District (C-2), Central Business District Historic Property (C-2 HP), and Downtown/Retail Specialty Development Type 1 (D/RS-1).

General Plan Land Use Element.

The General Plan recognizes this area as Mixed Use Neighborhoods. This designation recognizes the Downtown Plan, which, in turn, designates this site as Retail Specialty Development Type 1 (RS-1). This category includes retail specialty shopping uses, with regional tourist attractions. Parking areas support the uses and activity recommended by the Downtown Plan.

Zoning.

The site is currently zoned Central Business District (C-2) and Highway Commercial District (C-3), which allow office, retail, and parking uses.



Municipal Use Master Site Plan.

Approval of a Municipal Use Master Site Plan is needed prior to Development Review Board approval. The Planning Commission makes a recommendation to the City Council regarding the proposed master site plan.

The site plan shows the footprint of the proposed parking garage, along with circulation routes for automobiles and pedestrians. Residential, retail and other uses may be considered for design in the future.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The site is currently improved with approximately 70 spaces in a surface parking lot. The proposal is to build a parking garage, which will increase the available spaces from 250 to 350 additional parking spaces. In addition, the applicant will landscape the right-of-way between First Street and the new parking garage, create a pedestrian plaza, and repaint the existing Civic Center garage.

Key Issues.

- Provide parking for existing demand;
- Satisfy future parking needs as unoccupied buildings are filled; and
- Provide parking for future growth in Downtown.

IMPACT ANALYSIS**Downtown Development.**

This site is located in the Old Town area of the Downtown with nearby retail shops, restaurants, nightclubs, and the Civic Center mall. In this area nearly all of the buildings are occupied and very few vacancies occur. As in other parts of the Downtown area, there is interest in making use of the vacancies, which will increase the demand for parking. Additional parking in this vicinity would promote investment in vacant properties.

Current development projects in this area include the medical campus south of 2nd Street, the Bishoff building renovation, and tenant space changes such as the Orange Table restaurant. These projects enhance and revitalize the area while helping to create momentum for other development interests.

Parking.

This property is currently being used as a surface parking lot that contains approximately 70 parking spaces. The garage project is not expected to affect existing on-street spaces or adjacent private parking spaces. The pedestrian plaza proposal would shift parking from 1st Street, east of Brown into the proposed parking garage in order to create a more effective and attractive pedestrian experience as well as gateway into the proposed parking garage.

A recent occupancy study (Walker Parking Consultants, November 2002) concluded that there is a deficit of 147 parking spaces in the Old Town area during peak hours. As vacant buildings become occupied a higher deficit is forecast. The new facility will provide additional spaces needed in the Old Town District.

Traffic.

The new garage is not a destination itself; hence, it does not generate vehicle

trips. Instead, it captures vehicle trips generated by all the adjacent district businesses and provides parking spaces for those vehicles near their destinations.

Policy Implications.

Each zoning district requires that individual properties provide adequate parking for their uses based upon an established parking ratio. Historically, in order to meet parking requirements, properties in the downtown area have relied upon a combination of parking provision solutions the City has established such as:

- In-lieu, intended to provide a fund for parking improvements such as this parking garage;
- P-2 zoning, provides off-street parking at the alley side of buildings;
- P-3 zoning, applied to small C-2 and C-3 zoned properties to create a mixture of common uses vital to an urban setting the P-3 district uses a formula of 1 parking space credit per 300 square feet of net lot area zoned P-3; and
- Assessment districts, from which property owners pay for specific improvements such as parking lot surfacing, striping, landscaping, and sidewalks.

Community Impact.

The Municipal Use Master Site Plan does not assign individual parking spaces to any properties. Approval of a parking garage at this location facilitates the provision of parking spaces available for all visitors to the downtown area, and increases the available parking supply in order to help meet parking demands.

Community Involvement.

An open house meeting was held on May 21, 2003. There were 12 people who signed the attendance roster. The comments received indicate overall support for the parking garage. The comments also demonstrate a desire for more parking in parking garages, maintaining traffic flow for semi-trucks east and north of the existing parking garage, a below grade parking garage at 2nd and Brown, and multiple uses of garage structures.

**STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie AICP
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY

Kira Wauwie AICP
Project Coordination Manager
Report Author

Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Traffic Impact Summary
7. Citizen Involvement
8. Site Plan



Scottsdale

PROJECT NARRATIVE
FOR CITY INITIATED PROJECTS



- ☐ Rezoning ☐ Other
- ☒ Use Permit
- ☐ Development Review
- ☐ Master Sign Programs
- ☐ Text Amendment

Case # _____ / 216 -PA- 2003

Project Name Old Town Parking Garage

Location Old Town

Applicant COREY E LEW

Ordinance Section _____

SITE DETAILS

Proposed Zoning: _____

Existing Zoning: C2 HP

Parcel Size: _____

Height: 36'

Parking Required: _____

Parking Provided: _____

Of Buildings: _____

Setbacks: N- _____ S- _____

E- _____ W- _____

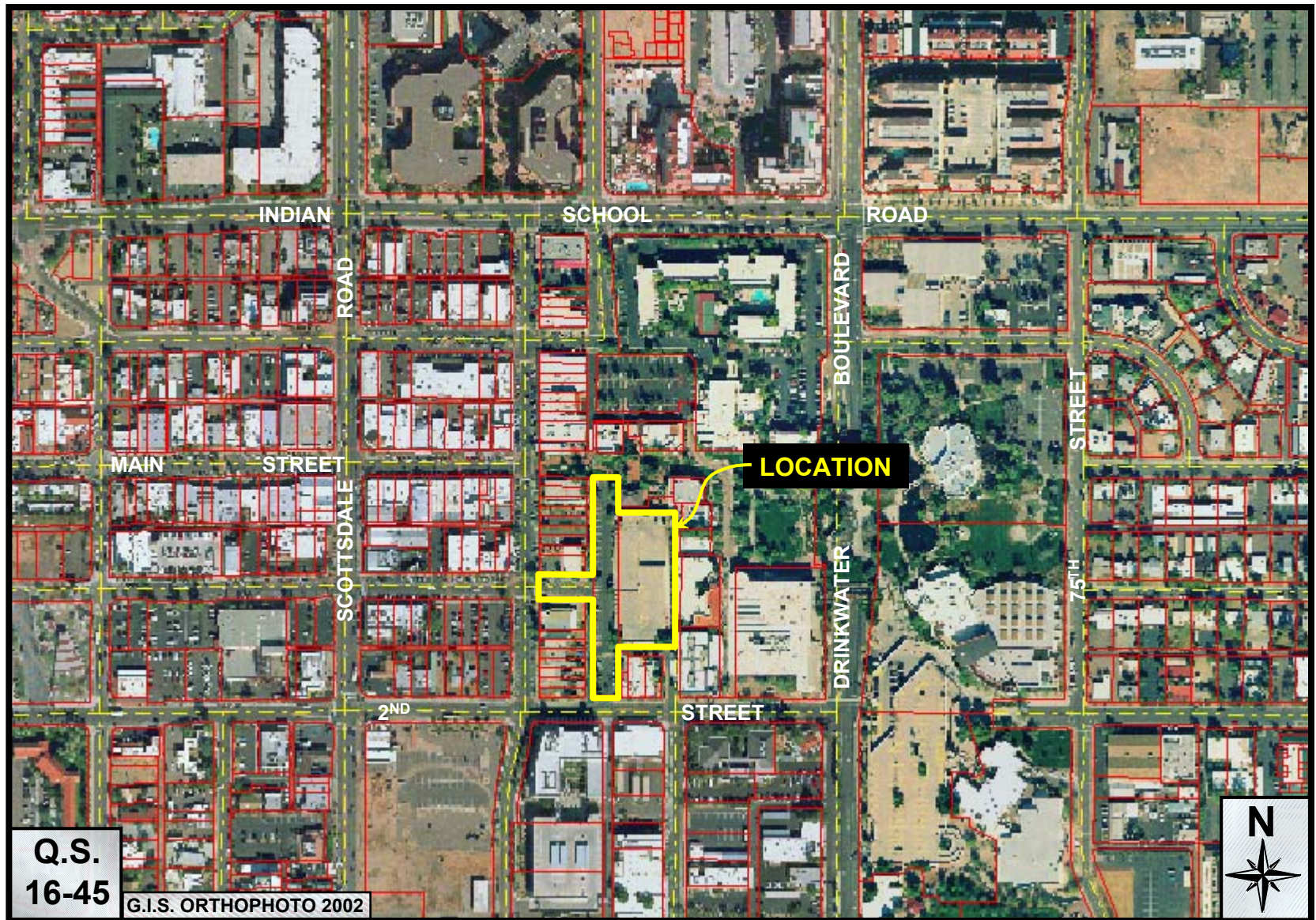
In the following space, please describe the project or the request

This project consists of design and construction of a public parking garage structure directly west of the Civic Center Parking garage. The site consists of parcels owned by the City of Scottsdale. Depending on final design, the garage will contain 250-350 parking spaces above ground, three level structure.

(If an additional page(s) is necessary, please attach.)

P&D2000215 (07/2002)

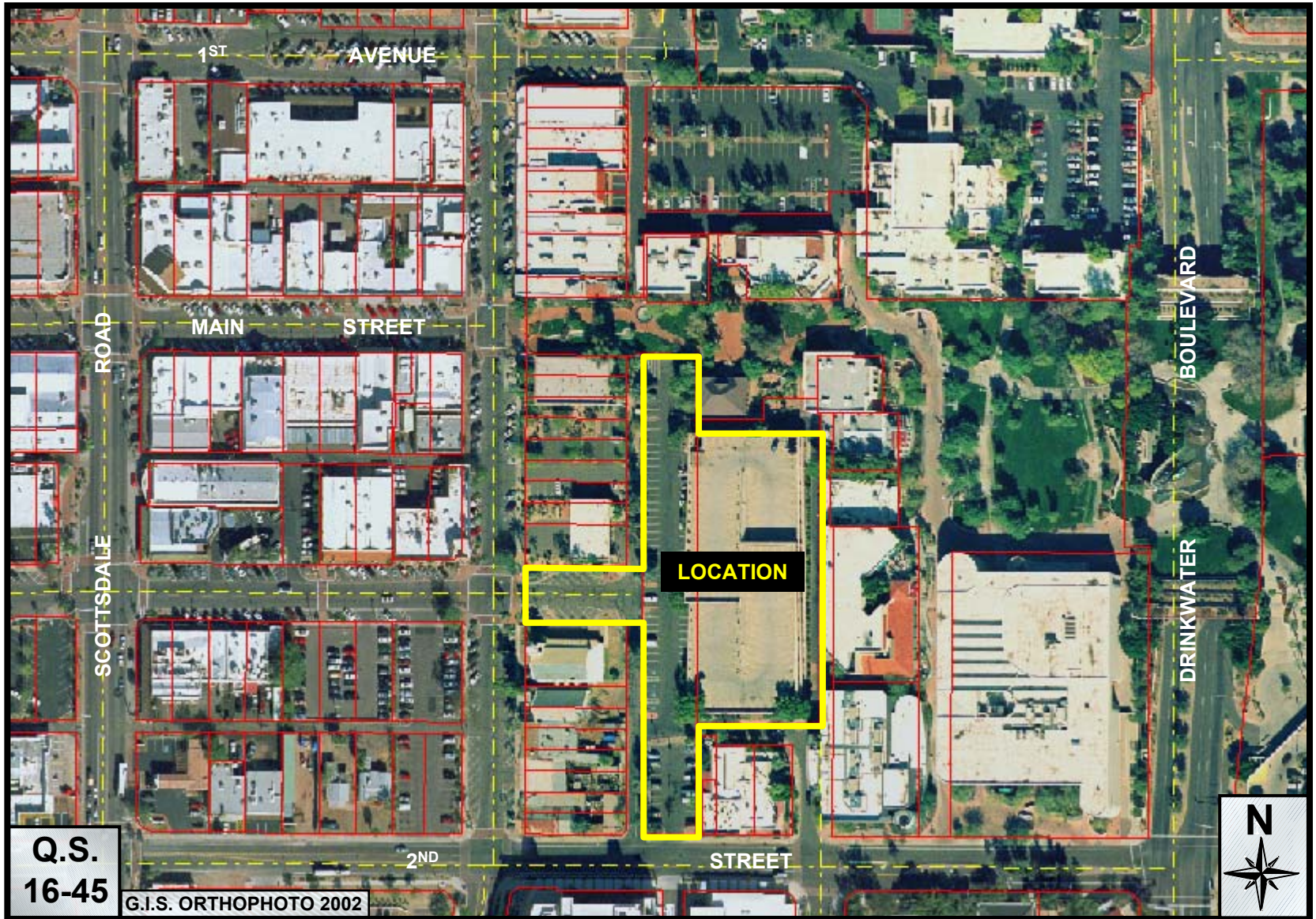
ATTACHMENT #1



Old Town Municipal Use Master Site Plan

9-UP-2003

ATTACHMENT #2

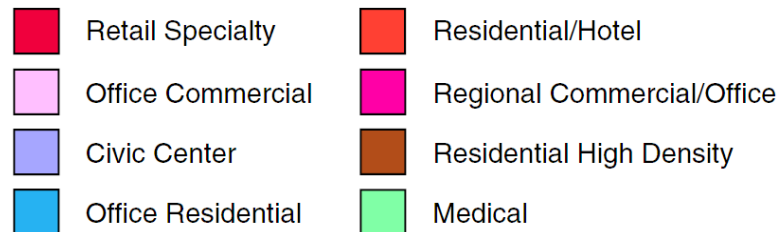
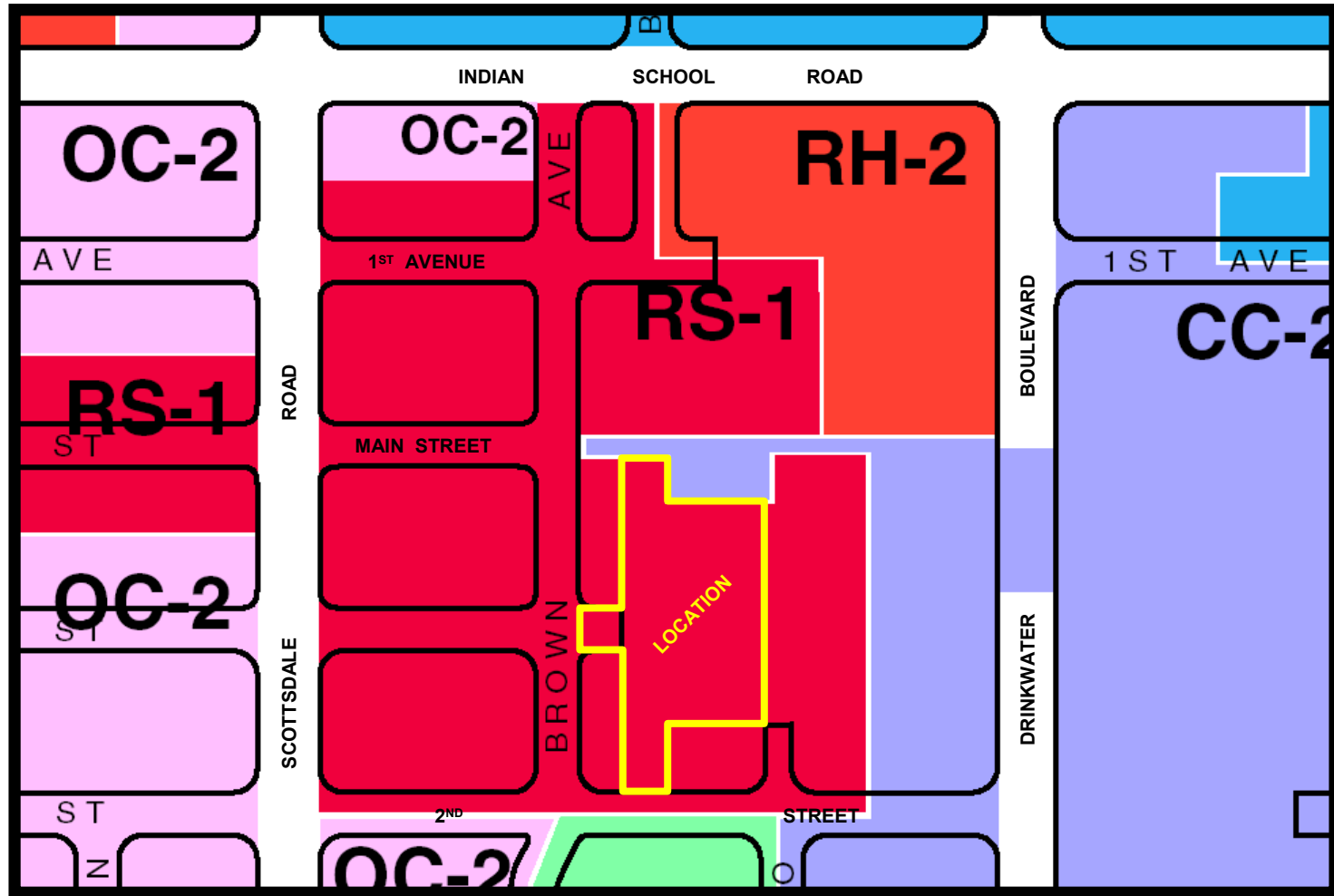


Old Town Municipal Use Master Site Plan

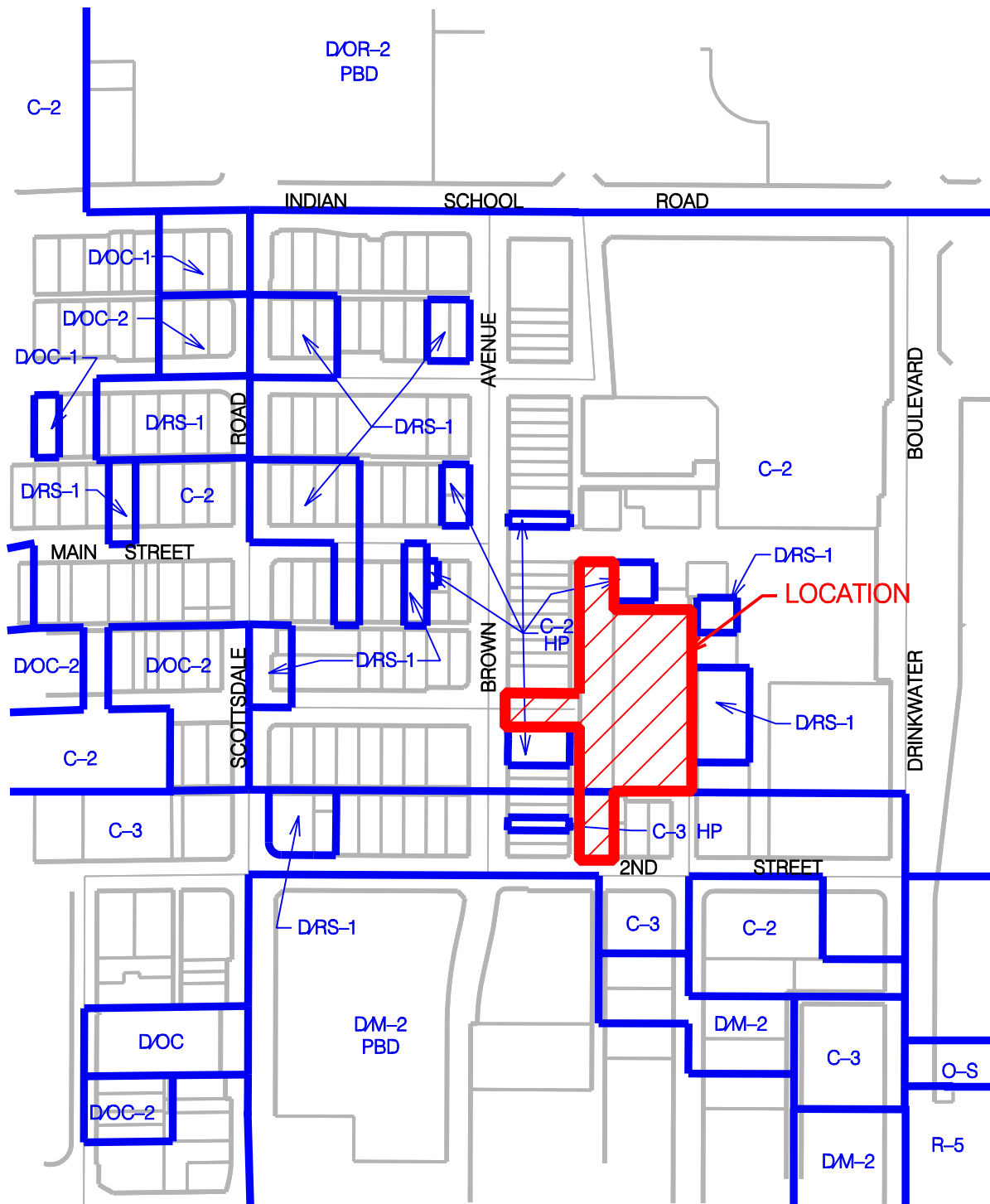
9-UP-2003

ATTACHMENT #2A

Downtown General Plan



9-UP-2003
ATTACHMENT #3



9-UP-2003
ATTACHMENT #4

STIPULATIONS FOR CASE 9-UP-2003

PLANNING/ DEVELOPMENT

CONFORMANCE TO SITE PLAN. Development shall conform with the site plan submitted by [Dick and Fritsche Design Group](#) and dated [2 JUNE, 2003](#). These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.

**Traffic Impact Summary
9-UP-2003
Old Town Parking Garage**

Background

On June 24, 2002, staff presented the City Council with a status update of the Canal project including the results of a technical evaluation and preliminary costs for a garage structure in the Fifth Avenue District. In the discussion that followed, council reaffirmed their support for the Fifth Avenue garage, and gave staff direction to consider other sites downtown for parking facilities. Subsequently the Fifth Avenue Garage was separated from the Canal project, and folded into the downtown Scottsdale Parking Program.

Walker Parking Consultants (November 2002) conducted a parking occupancy study for a major portion of downtown Scottsdale. The study results indicated that the ability of the existing parking supply to accommodate parking demand was marginal during peak hours, in the Old Town and 5th Avenue/Marshall Way Districts.

At the time of the study, the Old Town District was calculated to have adequate capacity during the off-peak daytime hours; but, the district was deficient 147 spaces in the evening. New peak-season counts are being summarized at this time. It is expected that the counts will show that this district is deficient in capacity during the high season daytime hours also.

Staff returned Council on October 15, 2002 and presented the results of a parking study and a recommended a program of capital projects, parking operational improvements and a budget. The \$9.6 million budget included Transportation CIP funds (restricted to use for transportation related projects) as a major component. Following the direction of Council, Transportation Department staff finalized the planning process, initiated the design process for two parking garages in the Old Town and Fifth Avenue Districts, and is moving toward developing construction documents utilizing an internal and outside consultant team.

Existing Conditions

The staff-recommended Old Town site is located adjacent to, and on the west side of, the existing Civic Center garage. The site currently is used as a surface public parking lot with 99 spaces.

Proposed Development

The proposal is to construct a two-story parking garage in place of the existing surface parking lot. The existing 99 spaces will be replaced in the garage, along with an additional 125 to 150 spaces. The garage project will not be detrimental to the existing on street or private parking spaces. A municipal use master site plan is required to allow the proposed parking structure on the site.

Summary

The new garage is not a destination itself; hence, it does not generate vehicle trips. Instead, it captures vehicle trips generated by all the adjacent district businesses and stores those vehicles near their destination. The district businesses have been assessed and charged for parking needs generated, as required, for their business use permits.

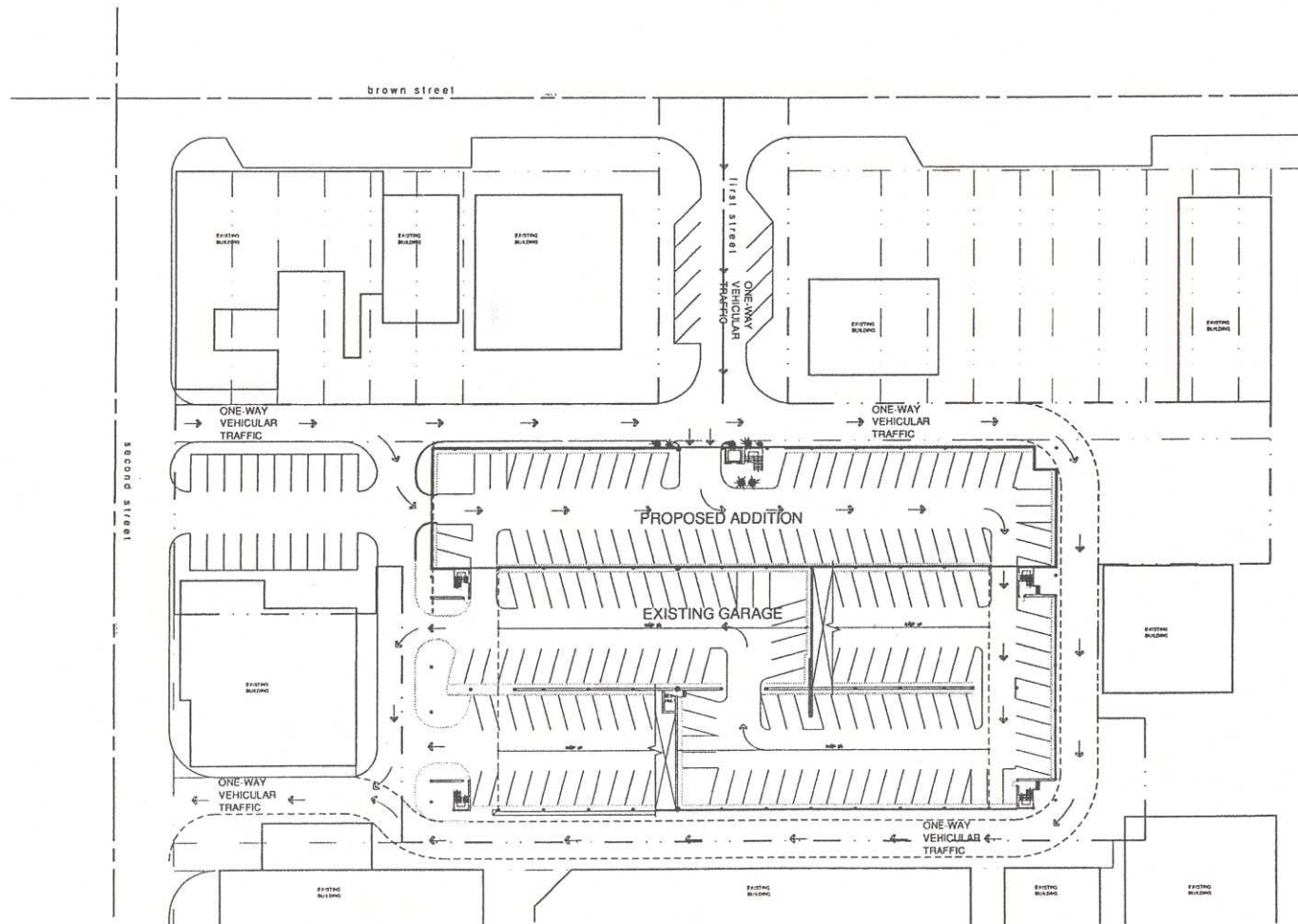
The purpose of the garage is to provide parking: 1) for the existing surface lot vehicles; 2) for future parking needs as building vacancies are filled; 3) for future growth in downtown; and 4) to reduce illegal parking.

9-UP-2003
Old Town Parking

Attachment #7. Citizen Involvement

This attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

9-UP. 2003
6-2-03



SITE PLAN
1" = 30'



ATTACHMENT #8

DFDG

• Architecture
• Planning
• Interiors

DICK & FRITSCH
DESIGN GROUP

4545 East McKinley Street
Phoenix, Arizona 85008
Telephone 602.954.9060
Fax 602.954.6954
www.dfdg.com

CONTRACT DOCUMENTS BY DFDG



NOTICE OF A PROFESSIONAL ENGINEER'S REGISTRATION
The registration of a professional engineer is a public trust and shall be used only for the purposes for which it was granted.

City of
Scottsdale
Parking
Structures
OLD TOWN
Scottsdale, Arizona

Schematic Design 5.29.03

DFDG Project # 0301.02

SITE PLAN

Phase
A1.1
Sheet Number

PLANNING COMMISSION REPORT



MEETING DATE: June 11, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Camelback Rezone

REQUEST

Request for approval to rezone from Single Family Residential (R1-7) to Service Residential (S-R) on a 19,950 square feet area located at 7536, 7542 & 7548 E Camelback Road.

4-ZN-2003

Key Items for Consideration:

- The rezoning request conforms to this area's existing zoning of adjoining lots along the north side of Camelback Road.
- The existing dwellings on the site will transition from residences to businesses and professional offices allowed by the S-R district zoning.
- Single-family residences are located north of the site, across the alley.

Related Policies, References:

- This proposal is compatible with the General Plan.
- The proposed zoning district serves to buffer residential areas from heavily traveled streets.

OWNER

Mindy Dow Productions

APPLICANT CONTACT

Tom Rief
Land Development Services
480-946-5020

LOCATION

7536, 7548 and 7542 E Camelback Rd

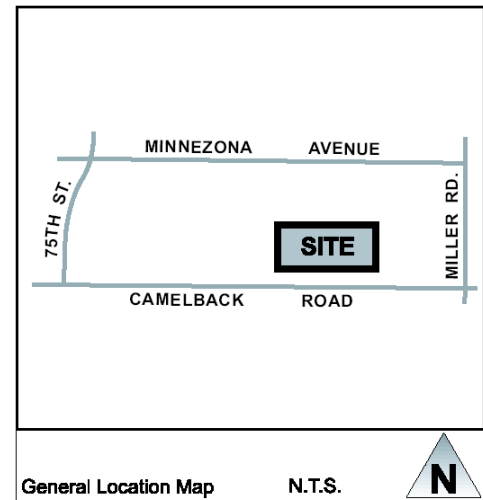
BACKGROUND

History:

The site involves Lots 3-5 of the 82-lot Scottsdale Terrace subdivision, which was platted in 1956 as R1-7 district zoning. The southerly 15 lots of the subdivision, adjacent to Camelback Road, have converted in several stages to S-R district zoning to provide for small office use.

Zoning.

The site is zoned Single Family District (R1-7) and is proposed to be rezoned to Service Residential District (S-R). The S-R zoning district allows for single-family residences and business and professional offices. The S-R district acts as a transitional zone to buffer low density residential uses from



more intense land uses and districts, as well as heavily traveled transportation routes.

General Plan.

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium- to small-lot, single-family neighborhoods and subdivisions, as well as small areas of supporting non-residential use.

Context.

The parcels are located west of Miller Road on the north side of Camelback Road. The surrounding property along Camelback Road, east and west of the site, is zoned Service Residential District (S-R). Properties north of the site, in the Scottsdale Terrace subdivision, are zoned Single Family (R1-7) District. The properties south of the site and across Camelback Road (closed Mobil Service Station and Miller Camelback Plaza) are zoned Highway Commercial (C-3) and Planned Neighborhood Center (PNC) respectively.

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

The goal of this request is to rezone three (3) single-family lots from a Single Family Residential (R1-7) to a Service Residential (SR) District. These three are the last remaining of 15 lots from Miller Road on the east to just east of 75th Street, to be rezoned to the Service Residential (S-R) District. Each of the approximate 6,580 square-foot lots contains an existing single-story residence. The purpose of the rezoning request is to convert these existing dwellings to businesses and professional offices, which are allowed under the S-R district zoning.

Development Information.

- *Existing Use:* single family residential
- *Buildings/Description:* 3 single family dwellings
- *Parcel Size:* 3 residential lots of approximately 6,580 sq. ft. (70 x 94 ft.) each
- *Building Height Allowed:* 18 ft.
- *Existing Building Height:* 18 ft. maximum
- *Floor Area:* approximately 1,585 sq. ft. each dwelling
- *Parking:* 16 spaces are required, 20 are provided.
- *Other:* existing access to Camelback Road and the alley at the rear of the lots

IMPACT ANALYSIS

Traffic.

A trip generation comparison analysis has been completed for this site. At a projected 137 vehicle trips per day, including 29 trips in the AM peak hour and 30 trips in the PM peak hour, this site is not considered a significant generator of traffic. All vehicular traffic will access the site from the alley at the rear. Impact on the adjacent residential lots is not significant.

Widening will be provided for Camelback Road and the rear alley as part of this project. Sidewalks will be provided adjacent to Camelback Road

Water/Sewer.

Water and sewer services are currently available to these lots; capacities are sufficient to accommodate the proposed use of the lots.

Police/Fire.

Rural Metro has reviewed this proposal and it conforms to the minimum requirements for fire protection and fire apparatus access.

Open space, scenic corridors.

Camelback Road does not contain a scenic corridor. The individual lots provide sufficient open space to meet the requirements of the S-R district, which is 24% of the lot areas or approximately 1,400 plus square feet per lot.

Policy implications.

With this rezoning request, all lots that front along Camelback Road from Miller Road to just east of 75th Street will be designated under the S-R district. The S-R district fulfills the purpose of establishing a transition zone buffer between low-density residential uses and more intensive uses, as well as heavily traveled transportation routes. Development standards and limited uses contained in the S-R district are intended to protect adjacent residential uses. The site is not located within the Downtown Overlay.

Community involvement.

Over ninety (90) letters were mailed by the applicant to property owners within 750 feet of the site. A Project Under Consideration sign was posted on the site and display ads were run in the AZ Republic and Scottsdale Tribune; project information was also posted on the applicant's website. The applicant held two (2) public open house meetings on April 3 and May 6, 2003. Three (3) and six (6) persons attended the open houses respectively. No objections have been received regarding this proposal, and one (1) letter of support has been received. Staff has received one (1) phone inquiry requesting more information on the case.

Community Impact.

The rezoning will allow three existing residences on the site to convert to office or other allowed S-R zoning uses. These transitions will complete the rezoning of all properties along this stretch of Camelback Road. Permitted uses of the property include dwellings and business/professional offices. The use is similar in character and reasonably compatible with the adjacent uses in the surrounding areas

**STAFF
RECOMMENDATION****Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Al Ward
Senior Planner
480-312-7067
E-mail: award@ScottsdaleAZ.gov

APPROVED BY

Al Ward
Report Author

Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
- 4A. Proposed Zoning Map
5. Stipulations
6. Additional Information
7. Traffic Impact Summary
8. Citizen Involvement
9. Existing Conditions Map
10. Site Plan

Camelback Rezoning: **7536, 7542 & 7548**

(Rezone from R1-7 to S-R)

PROJECT NARRATIVE

This request is to rezone 3 existing single-family lots fronting Camelback Road between Miller & 75th Street to allow for professional office uses. These are the last remaining single-family zoned lots along this section of Camelback Road. The owners would like to rezone the property to Service Residential (S-R) to allow for professional office uses in the future.

This application complies with the City's General Plan. The Land Use Element of the General Plan designates this area as Category 14, Residential at 2-4 dwelling units per acre. Use of a residential nature; churches, schools, and professional offices described as "service residential" are consistent with the Land Use Plan for this area.

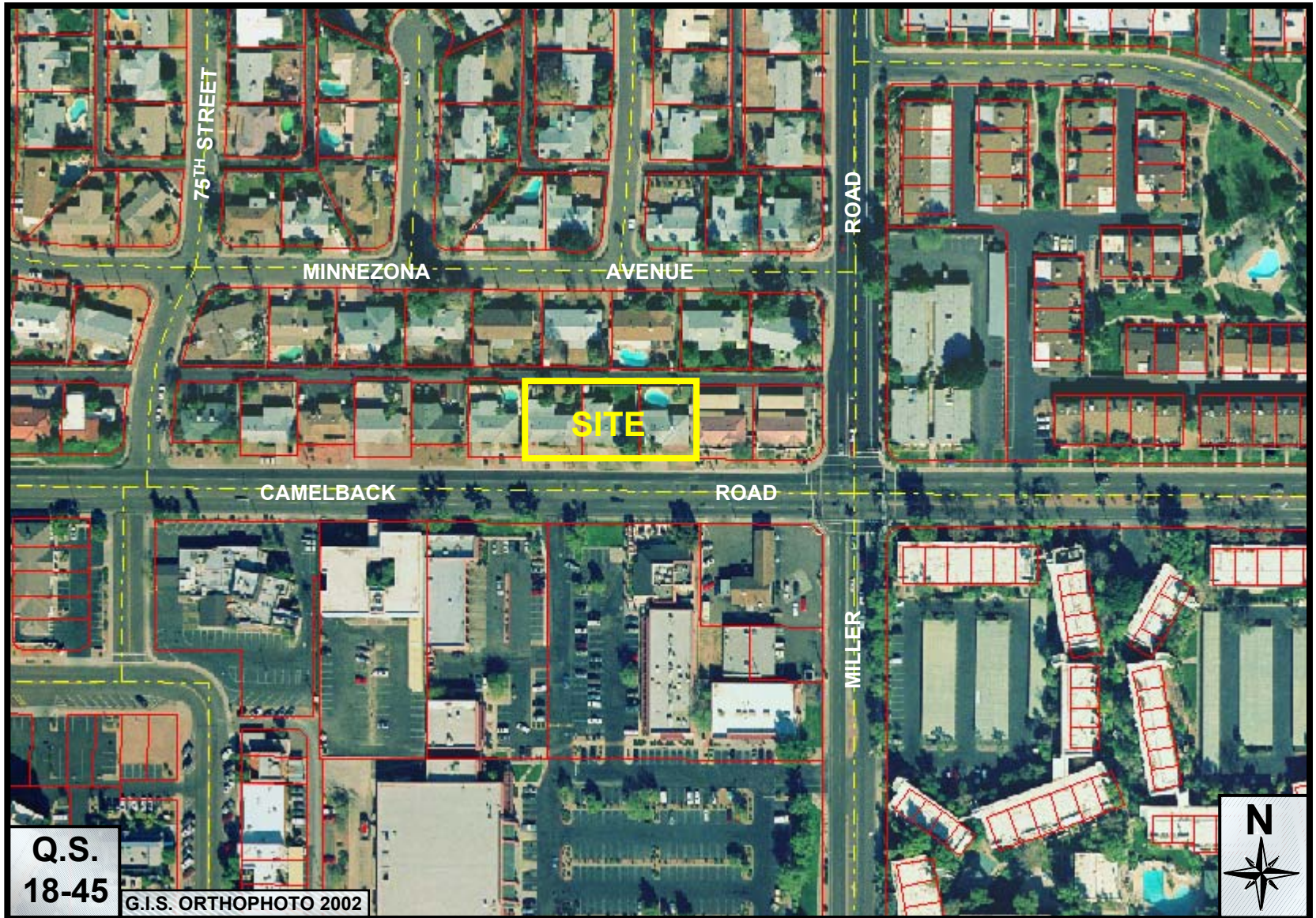
These properties are currently developed as single-family homes. The request is for rezoning from single family residential to Service Residential on the three existing residences. All other lots fronting Camelback Road between Miller Road and Scottsdale Road have previously been approved as Service Residential. Adjacent zoning consists of; S-R to the east and west, C-3 & PNC to the south and R1-7 across the alley to the north.

As part of the Scottsdale Terrace subdivision, the R1-7 zoning was appropriate for the lots fronting Camelback Road in the 1960's. Since that time the arterial character of Camelback Road, high traffic volumes and commercial uses on the south side has made this street less desirable for residential use. The owners plan to retain the residential character of the buildings. The residential use of the property will remain until such time as the needs of the owner's changes. At that time, the buildings may be renovated to allow for office uses. Parking will be provided in the back with access off the alley. Landscape and sidewalk improvements will improve the appearance and safety of the properties and provide an excellent buffer for the existing residential development to the north. Detailed Ordinance requirements will be provided for review and approval by the City's Development Review Board when these properties convert to the office use.

We have initiated the required Citizen Participation Plan, a copy of which has been submitted with this application. Over 90 letters were sent out to neighboring property owners informing them of this application. Our first open house was held on April 3, 2003. At the time of writing this narrative, we have received no opposition to this application. We believe the requested S-R use is appropriate for this location.

April, 2003

ATTACHMENT #1



Camelback Rezone

4-ZN-2003

ATTACHMENT #2

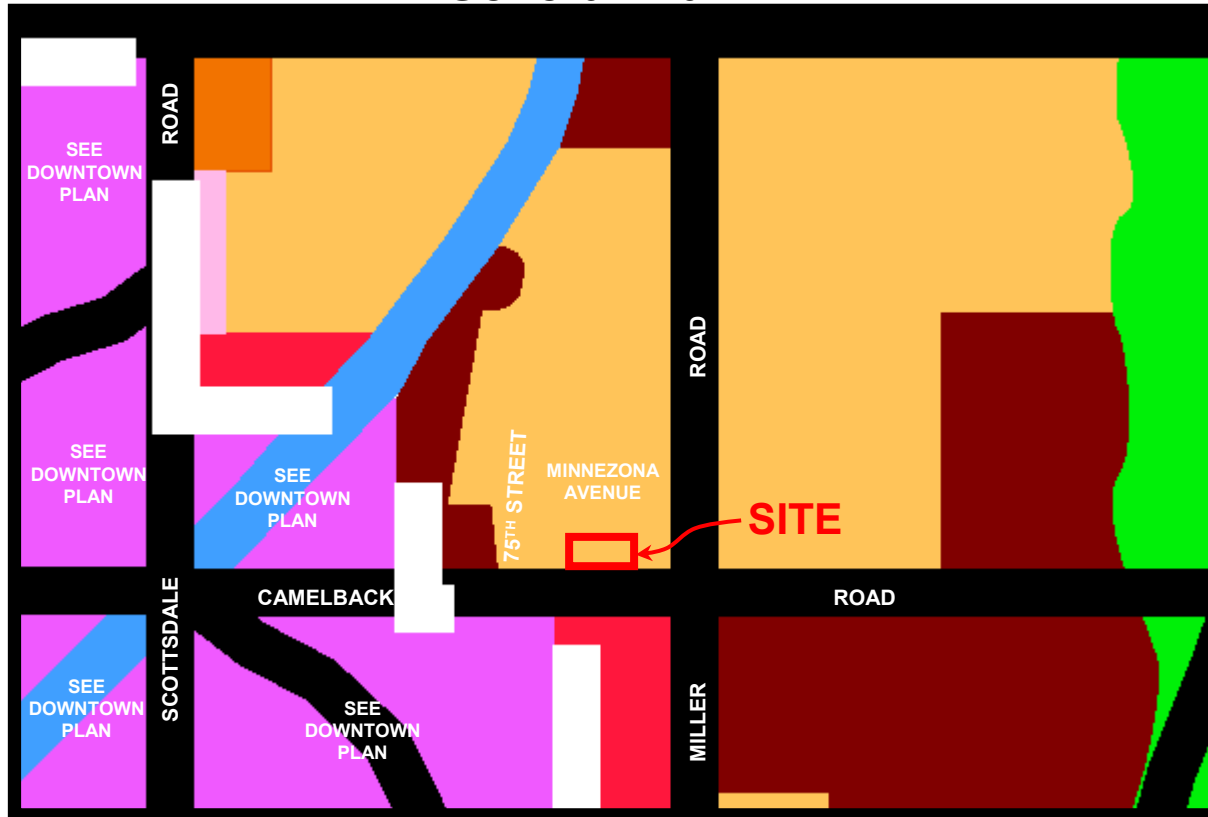


Camelback Rezone

4-ZN-2003

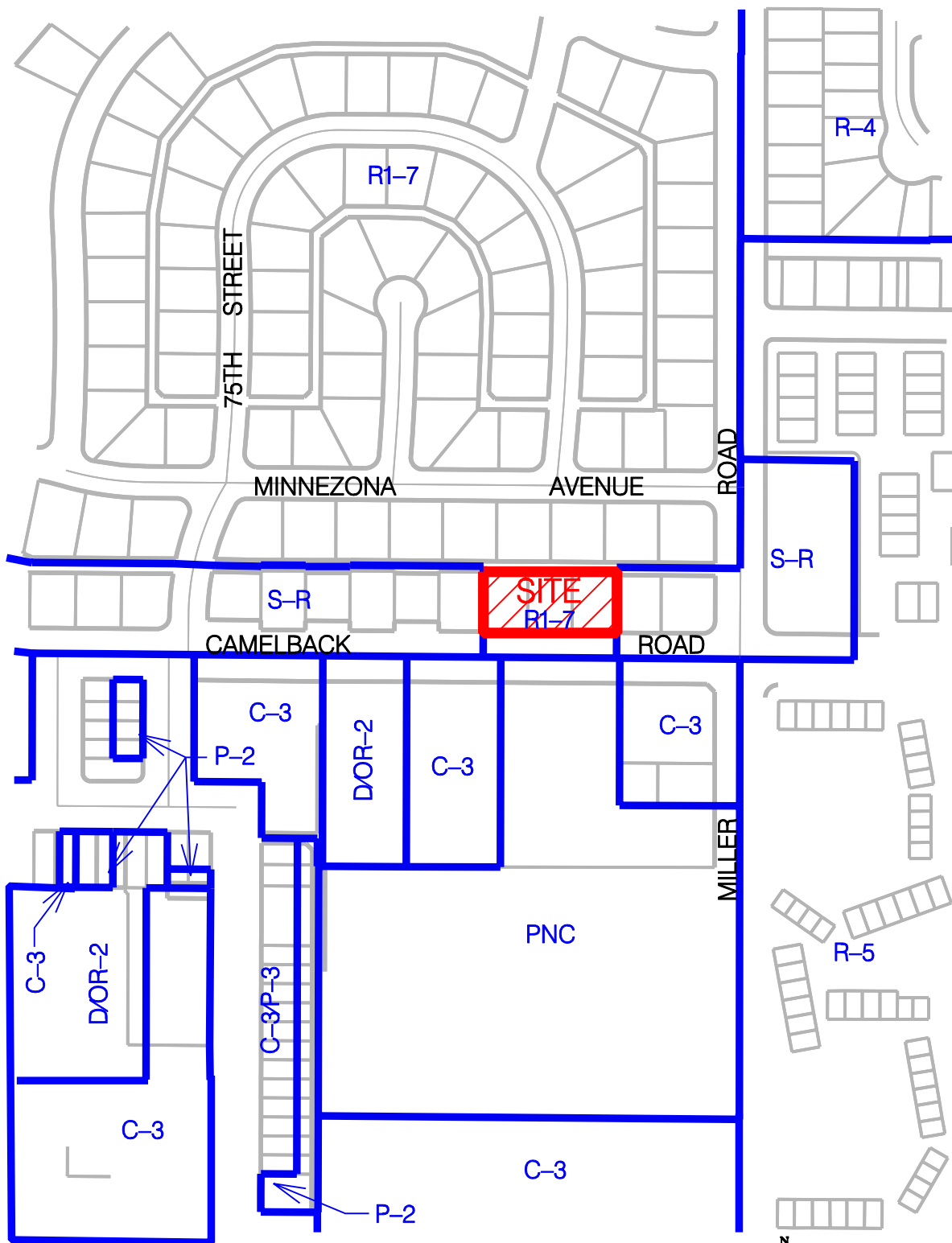
ATTACHMENT #2A

General Plan



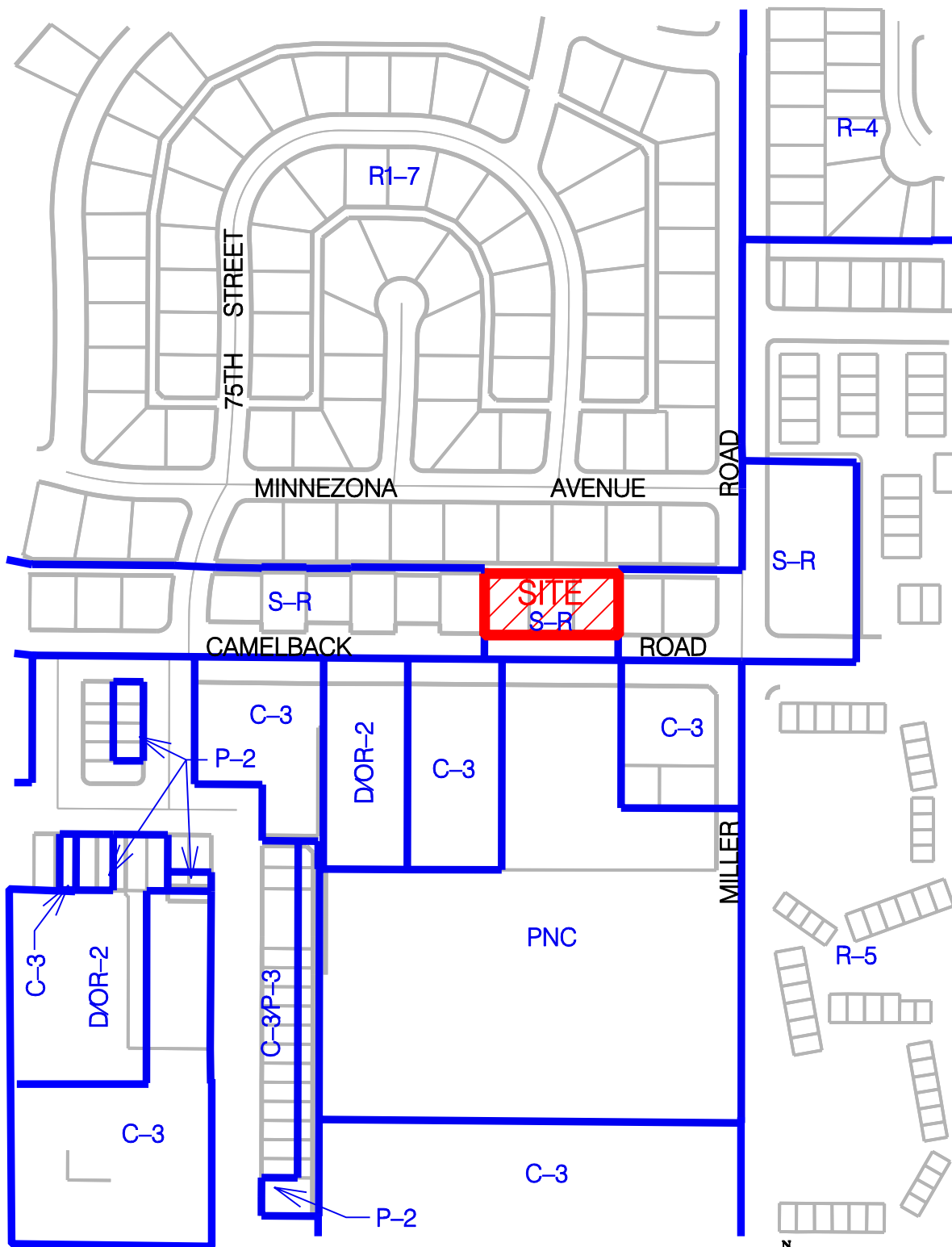
4-ZN-2003
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of April 2, 2002



4-ZN-2003

ATTACHMENT #4



4-ZN-2003

ATTACHMENT #4A

STIPULATIONS FOR CASE 4-ZN-2003

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO SITE PLAN. Development shall be in conformance with the site plan submitted by Land Development Services and dated April 21, 2003, with respect to the general location of access, pedestrian circulation, and open space. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. Prior to conversion to non-residential use, each parcel shall be subject to DRB approval.

ENVIRONMENTAL DESIGN

1. OUTDOOR LIGHTING. The maximum height of any outdoor lighting source shall be ten (10) feet above natural grade at the base of the light standard except for recreation uses, which shall comply with the provisions of the outdoor lighting standards contained in the Scottsdale Zoning Ordinance.

CIRCULATION

1. STREET CONSTRUCTION. Before any certificate of occupancy is issued for the site, the developer, at its expense, shall dedicate the following right-of-way and construct the following improvements:

Street Name/Type	Dedications	Improvements	Notes
Camelback Road	45-foot half (40-foot existing)	Sidewalk	See Notes "A" and "B"
Alley	20-foot full (16-foot existing)	Half alley	See Note "C"

Notes:

- A. The developer shall provide a five-foot wide sidewalk along Camelback Road, a minimum distance of four feet away from back-of-curb. This new sidewalk shall match and connect to the existing sidewalk on the east (7552 E. Camelback), then brought away from the back-of-curb a minimum distance of four feet.
 - B. The developer shall remove the existing driveways along the Camelback Road frontage and replace them with curb and gutter to match the existing street improvements.
 - C. The rear parking area improvements for each parcel shall extend into the alley as necessary to provide a continuous paved surface.
2. ACCESS RESTRICTIONS. Before any certificate of occupancy is issued for the site, the developer, at its expense, shall dedicate the necessary right-of-way, as determined by City staff, and construct the following access to the site. Access to the site shall conform to the following restrictions:
 - A. Camelback Road - The developer shall dedicate a one-foot wide vehicular non-access

easement on this street. Vehicular access to the site shall not be from Camelback Road, but shall be from the alley.

DRAINAGE AND FLOOD CONTROL

1. CONCEPTUAL DRAINAGE REPORT. With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to City staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
 - A. Identify locations of stormwater runoff entering and exiting the site, and calculate the 100-year peak discharge for a pre-versus-post development comparison.
 - B. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage basins.
2. STORM WATER STORAGE REQUIREMENT. On-site storm water storage is required for the full 100-year, 2-hour storm event, unless City staff approves the developer's Request for Waiver. See Section 2 of the Design Standards and Policies Manual for waiver criteria.
 - A. If applicable, the developer shall submit to the City's One-Stop Shop a Request for Waiver Review form, which shall:
 - (1). Include a supportive argument that demonstrates historical flow through the site will be maintained, and that storm water runoff exiting this site has a safe place to flow.
 - (2). Include an estimate for payment in-lieu of on-site storm water storage, subject to City staff approval.
 - B. Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer shall have obtained the waiver approval.

ADDITIONAL INFORMATION FOR CASE 4-ZN-2003

PLANNING/DEVELOPMENT

1. All vehicular access shall be from the rear alley access.
2. All parking shall be relocated to those parking areas provided for off the rear alley access.
3. DEVELOPMENT REVIEW BOARD. The City Council directs the Development Review Board's attention to:
 - a. wall design,
 - b. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use,
 - c. signage,
 - d. site improvements including landscaping and revegetation.

ENGINEERING

1. RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE. The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the City to provide any of these improvements.
2. FEES. The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to, the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. CITY CONTROL OF ACCESS. The City retains the right to modify or void access within City right-of-way. The City's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.



OLSSON ASSOCIATES

LANDSCAPE ARCHITECTURE • PLANNING • ENGINEERING • ENVIRONMENTAL
TRANSPORTATION • MECHANICAL/ELECTRICAL • CIVIL/MUNICIPAL

22 April 2003

Mr. Tom Rief
Land Development Services
Suite 5
4413 North Saddlebag Trail
Scottsdale, Arizona 85251
FAX (480) 946-5041

**Ref.: Trip Generation Comparison - Camelback, West of Miller
Rezoning of 7536, 7542 and 7548 East Camelback Road
OA #2003-0378**

Dear Mr. Tom Rief:

This letter provides the procedures and calculations for the trip generation comparison for the above referenced project. The three properties are currently zoned R1-7 (single-family residential) and the proposed zoning is S-R (service residential).

According to Section 5.1101 of the Municipal Code for the City of Scottsdale, service residential is "a district composed of certain land and structures used primarily to provide administrative, clerical, and professional offices, of a residential scale and character, to serve nearby residential and commercial areas, as well as the city as a whole. These uses are characterized by low volume of direct daily customer contact. Secondly, this district provides for medium density residential. This district is designed to be a transitional zone, and should be used to buffer low density residential uses from more intense land uses, districts, and heavily traveled transportation routes."

The estimated trip generation for the existing and proposed zoning was determined through the procedures and data contained within the Institute of Transportation Engineers (ITE) *Trip Generation*, 6th Edition, published in 1997. This document provides traffic volume data from existing developments throughout North America that can be utilized to estimate vehicle trips that might be generated from proposed developments. The traffic data are provided for 136 different categories. The estimated traffic volume is dependent upon independent variables defined by the characteristics and size of each land use category.

For the existing zoning, R1-7, the ITE land use category 'single-family residential' was used. Four independent variables are available for this land use category to predict trips: dwelling unit, persons, vehicles, and acres. All four have excellent statistical attributes and therefore are acceptable for use. The most easily determined independent variable for typical proposed residential projects is either the number of dwelling units or the number of acres. Dwelling units is the independent variable used for this analysis.

For the 'single-family' land use category, average trip generation rates and trip generation equations are both provided. From a review of the trips estimated by the equations, it was concluded that the equations are not suitable to use for a small project size such as three (3) dwelling units. The average study size in the *Trip Generation* report for 'single-family' is approximately 200 dwelling units. The average rate is a more appropriate method when estimating for only a few dwelling units. Therefore, the trips for the existing zoning were estimated using the average rates.

The proposed zoning for the three (3) properties is S-R (service residential). There are several possible S-R uses including business and professional offices, animal hospitals, medical or dental offices, craft or teaching studios, municipal uses, pharmacies, churches, and houses. The future use is unknown; therefore, the general ITE category 'general office' was used to estimate the trips for the proposed zoning. The total square feet of floor area for the three (3) homes is 4,758. For the 'general office' land uses category, average trip generation rates and trip generation equations are both provided. From a review of the trips estimated by the equations, it was concluded that the equations are not appropriate to use for a small size of 4,758 square feet. The average study size in the *Trip Generation* report for 'general office' is approximately 200,000 square feet. The average rates are typically more appropriate for this situation. The maximum rate was chosen for this analysis to provide the trips based on a worst-case scenario. The complete results of the trip generation calculations are attached to this letter. The following table summarizes the trip generation for both the existing and proposed zoning:

Trip Generation Comparison

Land Use	ITE Code	Size	Generated Trips					
			Weekday Daily		Weekday AM Peak Hour		Weekday PM Peak Hour	
			Enter	Exit	Enter	Exit	Enter	Exit
Existing: Single-Family	210	3 DU	15	14	1	1	2	1
			29		2		3	
Proposed: Office	710	4,758 SF	69	68	25	4	5	25
			137		29		30	

Please call me at (602) 748-1005 extension 209 if you have any questions.

Sincerely,

OLSSON ASSOCIATES



Paul E. Basha, P.E., P.T.O.E.
Senior Engineer



ATTACHMENT: Trip Generation Calculations

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	SINGLE FAMILY DETACHED HOUSING - 210 DWELLING UNIT 3			
		TRIPS		TOTAL
		ENTERING	EXITING	
WEEKDAY DAILY		50%	50%	
NUMBER OF STUDIES	348			
AVERAGE SIZE	198			
MINIMUM RATE	4.31	7	6	13
AVERAGE RATE	9.57	15	14	29
MAXIMUM RATE	21.85	33	33	66
STANDARD DEVIATION	3.69			
EQUATION	$R^2 = 0.96$	21	20	41
LARGEST OF AVERAGE OR EQUATION		21	20	41
AM PEAK HOUR ADJACENT STREET		25%	75%	
NUMBER OF STUDIES	271			
AVERAGE SIZE	202			
MINIMUM RATE	0.33	0	1	1
AVERAGE RATE	0.75	1	1	2
MAXIMUM RATE	2.27	2	5	7
STANDARD DEVIATION	0.90			
EQUATION	$R^2 = 0.89$	3	9	12
LARGEST OF AVERAGE OR EQUATION		3	9	12
AM PEAK HOUR GENERATOR		25%	75%	
NUMBER OF STUDIES	334			
AVERAGE SIZE	183			
MINIMUM RATE	0.33	0	1	1
AVERAGE RATE	0.77	1	1	2
MAXIMUM RATE	2.27	2	5	7
STANDARD DEVIATION	0.91			
EQUATION	$R^2 = 0.89$	4	10	14
LARGEST OF AVERAGE OR EQUATION		4	10	14
PM PEAK HOUR ADJACENT STREET		64%	36%	
NUMBER OF STUDIES	294			
AVERAGE SIZE	216			
MINIMUM RATE	0.42	1	0	1
AVERAGE RATE	1.01	2	1	3
MAXIMUM RATE	2.98	6	3	9
STANDARD DEVIATION	1.05			
EQUATION	$R^2 = 0.91$	3	2	5
LARGEST OF AVERAGE OR EQUATION		3	2	5
PM PEAK HOUR GENERATOR		64%	36%	
NUMBER OF STUDIES	352			
AVERAGE SIZE	177			
MINIMUM RATE	0.42	1	0	1
AVERAGE RATE	1.02	2	1	3
MAXIMUM RATE	2.98	6	3	9
STANDARD DEVIATION	1.05			
EQUATION	$R^2 = 0.91$	3	2	5
LARGEST OF AVERAGE OR EQUATION		3	2	5

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	SINGLE FAMILY DETACHED HOUSING - 210 DWELLING UNIT 3			
	RATE	TRIPS		SUM
		ENTERING	EXITING	
SATURDAY DAILY		50%	50%	
NUMBER OF STUDIES	72			
AVERAGE SIZE	217			
MINIMUM RATE	5.32	8	8	16
AVERAGE RATE	10.09	15	15	30
MAXIMUM RATE	14.72	22	22	44
STANDARD DEVIATION	3.67			
EQUATION	$R^2=0.92$	18	18	36
LARGEST OF AVERAGE OR EQUATION		18	18	36
PEAK HOUR GENERATOR		54%	46%	
NUMBER OF STUDIES	51			
AVERAGE SIZE	224			
MINIMUM RATE	0.50	1	1	2
AVERAGE RATE	0.94	2	1	3
MAXIMUM RATE	1.75	3	2	5
STANDARD DEVIATION	0.99			
EQUATION	$R^2=0.90$	7	7	14
LARGEST OF AVERAGE OR EQUATION		7	7	14
SUNDAY DAILY		50%	50%	
NUMBER OF STUDIES	68			
AVERAGE SIZE	221			
MINIMUM RATE	4.74	7	7	14
AVERAGE RATE	8.78	13	13	26
MAXIMUM RATE	12.31	18	19	37
STANDARD DEVIATION	3.33			
EQUATION	$R^2=0.94$	8	7	15
LARGEST OF AVERAGE OR EQUATION		13	13	26
PEAK HOUR GENERATOR		53%	47%	
NUMBER OF STUDIES	50			
AVERAGE SIZE	221			
MINIMUM RATE	0.55	1	1	2
AVERAGE RATE	0.86	2	1	3
MAXIMUM RATE	1.48	2	2	4
STANDARD DEVIATION	0.95			
EQUATION	$R^2=0.86$	13	13	26
LARGEST OF AVERAGE OR EQUATION		13	13	26

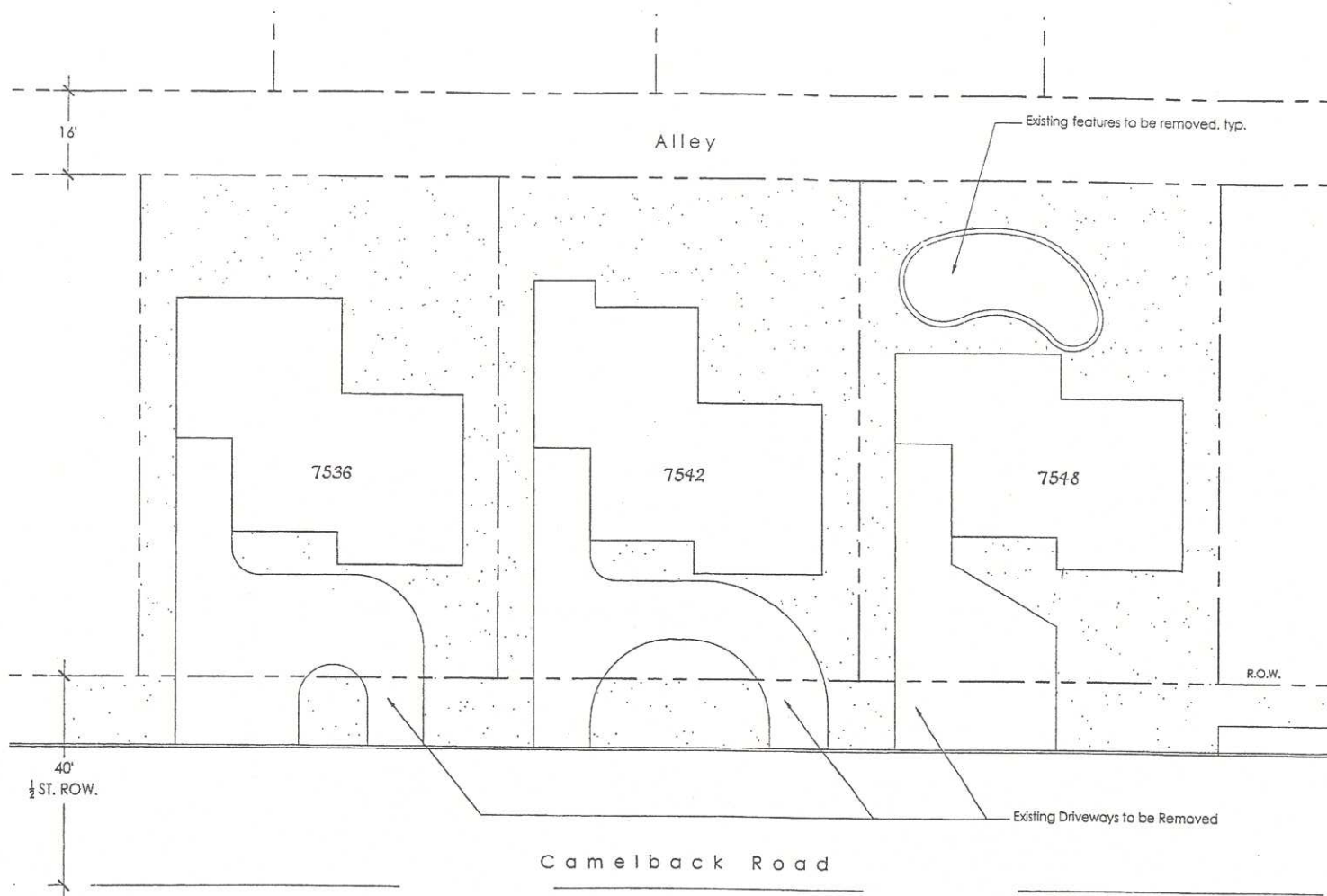
PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	GENERAL OFFICE - 710 1000 SQUARE FEET 4.758			
	RATE	TRIPS		SUM
		ENTERING	EXITING	
WEEKDAY DAILY		50%	50%	
NUMBER OF STUDIES	78			
AVERAGE SIZE	199			
MINIMUM RATE	3.58	9	8	17
AVERAGE RATE	11.01	26	26	52
MAXIMUM RATE	28.80	69	68	137
STANDARD DEVIATION	6.13			
EQUATION	$R^2=.80$	64	64	128
LARGEST OF AVERAGE OR EQUATION		64	64	128
AM PEAK HOUR ADJACENT STREET		88%	12%	
NUMBER OF STUDIES	216			
AVERAGE SIZE	223			
MINIMUM RATE	0.60	3	0	3
AVERAGE RATE	1.56	6	1	7
MAXIMUM RATE	5.98	25	4	29
STANDARD DEVIATION	1.40			
EQUATION	$R^2=.83$	14	2	16
LARGEST OF AVERAGE OR EQUATION		14	2	16
AM PEAK HOUR GENERATOR		88%	12%	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	3	0	3
AVERAGE RATE	NA	6	1	7
MAXIMUM RATE	NA	25	4	29
STANDARD DEVIATION	NA			
EQUATION	NA	14	2	16
LARGEST OF AVERAGE OR EQUATION		14	2	16
PM PEAK HOUR ADJACENT STREET		17%	83%	
NUMBER OF STUDIES	234			
AVERAGE SIZE	216			
MINIMUM RATE	0.49	0	2	2
AVERAGE RATE	1.49	1	6	7
MAXIMUM RATE	6.39	5	25	30
STANDARD DEVIATION	1.37			
EQUATION	$R^2=.82$	14	71	85
LARGEST OF AVERAGE OR EQUATION		14	71	85
PM PEAK HOUR GENERATOR		17%	83%	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	0	2	2
AVERAGE RATE	NA	1	6	7
MAXIMUM RATE	NA	5	25	30
STANDARD DEVIATION	NA			
EQUATION	NA	14	71	85
LARGEST OF AVERAGE OR EQUATION		14	71	85

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	0 GENERAL OFFICE - 710 1000 SQUARE FEET 4.758			
	RATE	TRIPS		SUM
		ENTERING	EXITING	
SATURDAY DAILY		50%	50%	
NUMBER OF STUDIES	17			
AVERAGE SIZE	78			
MINIMUM RATE	0.59	2	1	3
AVERAGE RATE	2.37	6	5	11
MAXIMUM RATE	14.67	35	35	70
STANDARD DEVIATION	2.08			
EQUATION	$R^2=.66$	15	14	29
LARGEST OF AVERAGE OR EQUATION		15	14	29
PEAK HOUR GENERATOR		54%	46%	
NUMBER OF STUDIES	10			
AVERAGE SIZE	97			
MINIMUM RATE	0.16	1	0	1
AVERAGE RATE	0.41	1	1	2
MAXIMUM RATE	1.57	4	4	8
STANDARD DEVIATION	0.68			
EQUATION	$R^2=.59$	2	1	3
LARGEST OF AVERAGE OR EQUATION		2	1	3
SUNDAY DAILY		50%	50%	
NUMBER OF STUDIES	17			
AVERAGE SIZE	78			
MINIMUM RATE	0.19	1	0	1
AVERAGE RATE	0.98	3	2	5
MAXIMUM RATE	7.33	17	18	35
STANDARD DEVIATION	1.29			
EQUATION	$R^2=.50$	3	2	5
LARGEST OF AVERAGE OR EQUATION		3	2	5
PEAK HOUR GENERATOR		58%	42%	
NUMBER OF STUDIES	10			
AVERAGE SIZE	97			
MINIMUM RATE	0.14	1	0	1
AVERAGE RATE	0.06	0	0	0
MAXIMUM RATE	0.37	1	1	2
STANDARD DEVIATION	0.38			
EQUATION	$R^2=.56$	1	1	2
LARGEST OF AVERAGE OR EQUATION		1	1	2

4-ZN-2003
Camelback Rezone

Attachment #8. Citizen Involvement

This attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.



PROJECT DATA

Location: NWC Camelback and Miller Roads
 Current Zoning: R1-7
 Proposed Zoning: SR
 Proposed Use: Professional Office



Existing Conditions

Camelback Rezoning Scottsdale, Arizona

prepared for:
 Land Development Services

0 5 10 20 30 40

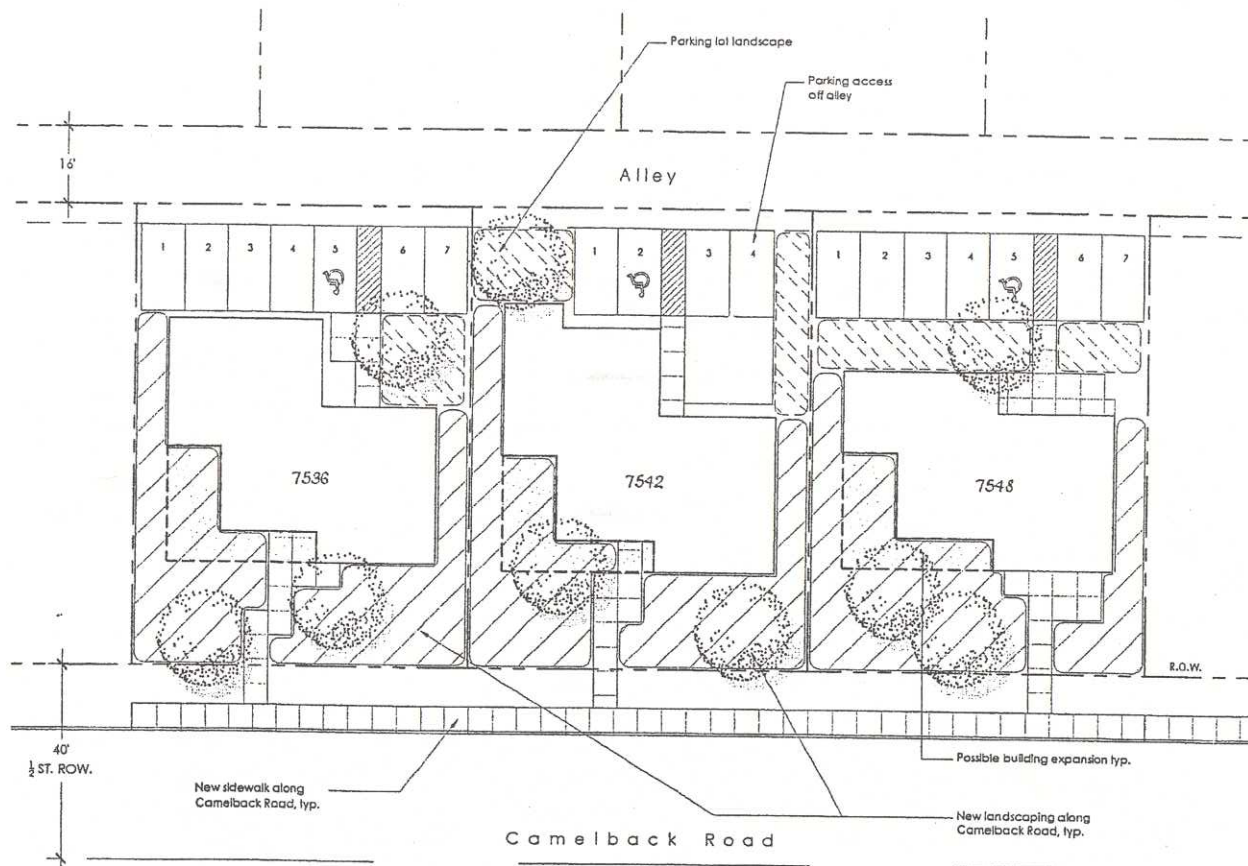


April 21, 2003

ATTACHMENT #9

4/23/03

STUDIO 64110



- LEGEND**
- Parking Area Landscape
 - Open Space
 - Potential Building Expansion

PROJECT DATA

Location: NWC Camelback and Miller Roads
 Current Zoning: R1-7
 Proposed Zoning: SR
 Proposed Use: Professional Office

Average Net Lot Size: 6,650 s.f.
 Average Building Size: 1,585 s.f.
 Possible Building Expansion Area: 390 s.f. (not inc. in following calculations)

Average Open Space Required: $6,650 \times .24 = 1,596$ s.f. $\times 3 = 4,788$ s.f.
 Open Space Potentially Provided: 5,984 s.f. (all three lots)

Lot 7536, 2,017 s.f.
 Lot 7542, 1,997 s.f.
 Lot 7548, 1,970 s.f.

Parking Proposed: 20 spaces (all three lots)
 Parking Area: 3,510 s.f. (all three lots)
 Parking Landscape Required: $3,510 \times .15 = 830$ s.f. (all three lots)
 Parking Landscape Provided: 1,460 s.f. (all three lots)



Proposed Site Plan

Camelback Rezoning
 Scottsdale, Arizona

Prepared for
 Land Development Services

 April 21, 2003

ATTACHMENT #10

4-ZN-2003
 4/23/03

PLANNING COMMISSION REPORT



MEETING DATE: June 11, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Downtown Overlay and Related Amendments

REQUEST

Request to approve:

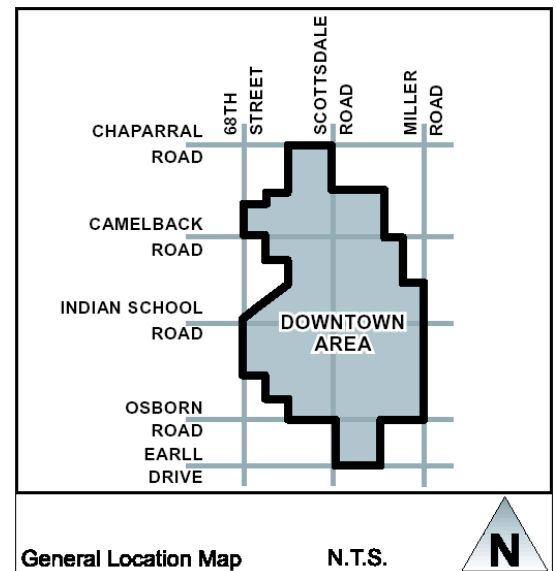
1. To amend City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article I., Administration and Procedures., Section 1.403. Additional conditions for specific conditional uses., Article III., Definitions.; Section 3.100 General.; Article V., District Regulations., Section 5.3002. Conflict with other sections., Article IX., Parking and Loading Requirements., Section 9.104. Programs and incentives to reduce parking requirements., and Section 9.108 Special parking requirements in districts., and to add Article VI., Supplementary Districts.; Section 6.1200., (DO) DOWNTOWN OVERLAY.

2. To apply the Downtown Overlay (DO) zoning to 750 +/- acres known as the Downtown area and generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west.

1-TA-2003 & 5-ZN-2003

Key Items for Consideration:

- The amendment of the City of Scottsdale Ordinance (No. 455) would allow for simplification of the parking requirement and promotion of downtown reinvestment.
- Downtown Overlay is a mechanism that allows incentives and development standards to be tailored to the specific needs of the downtown area.
- Applying the Downtown Overlay (DO) to Downtown Scottsdale



APPLICANT CONTACT

Randy Grant
City of Scottsdale
480-312-7995

LOCATION

This Text Amendment and Overlay applies to all locations within the Downtown area, generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68th Street on the west (See General Location Map).

BACKGROUND

Zoning.

The Downtown area contains properties zoned with a wide variety of zoning districts. The Downtown Plan, adopted in 1985, created eight specific zoning

districts for the downtown, but did not apply zoning to any properties. The traditional zoning categories (e.g. C-2, Central Business District) remained in place until the property owner chose to rezone to one of the Downtown Zoning categories. Some property owners have applied for and received Downtown zoning, usually for larger projects that benefited from incentives available in the Downtown districts. Among these projects are Fashion Square, the Scottsdale Memorial Obsorn Medical campus, the Galleria, Loloma, and the north bank Waterfront properties.

The benefits of revitalizing smaller properties under Downtown zoning have not been as significant as those for larger properties. Most owners of smaller properties have chosen not to rezone from the C-2 or C-3 designations that were applied to the downtown when the city was originally incorporated. Attachment #4 shows the current zoning for properties in the downtown area.

General Plan.

The General Plan Land Use Element designates the property as Downtown District (D). This category includes eight (8) sub-districts. Land uses allowed are identified in Attachment #7

The General Plan Land Use Element assumes that properties in the downtown area will ultimately be developed according to the Downtown Plan and implemented through Downtown zoning districts.

PROPOSAL**Background.**

This action developed from the presentation made by staff to the City Council in October of 2002. At that time, staff presented a comprehensive package of Downtown revitalization tools. The creation and application of the Downtown Overlay will implement the direction staff was given by City Council and through the community involvement process.

History of Downtown Planning.

Scottsdale has a long-standing history of working to improve Downtown Scottsdale. The City Council approved the Downtown Plan and the Downtown Ordinance in the mid 1980's. The plan and the Ordinance allowed for large-scale projects, such as Fashion Square, while protecting Downtown's unique character districts. Changing over to Downtown Zoning has been done on a case-by-case basis, and over the past 18 years less than ½ of Downtown has been rezoned to the Downtown District.

Description of the Downtown Overlay.

Staff is proposing an Overlay for Downtown Scottsdale. An Overlay is a zoning tool that leaves the existing zoning intact, while modifying only certain requirements and restrictions. This is the same tool that was used in the Foothills Overlay, which was applied to 10 square miles of northwest Scottsdale in March of this year.

Goals of the Downtown Overlay.

At the October 2002 study session where the City Council discussed their goals for Downtown, the following goals emerged:

- Simplify Parking Requirements
- Promote Reinvestment in Downtown
 - Promote residential, retail, office, and dining uses
 - Establish unique development standards for Downtown
- Address concerns about bars, nightclubs, tattoo and massage parlors

How the Downtown Overlay Addresses the City's Goals for Downtown:

Simplify Parking Requirements:

Calculating Parking

Parking requirements for bars and restaurants are currently calculated based on the part of the building used by the public. This method makes it more difficult for the property owner to determine how much parking they will need to provide. The proposed method will work off of the entire interior of the building, and will be simpler. The parking ratios have been adjusted to compensate for the new method, and the proposed parking requirements are in keeping with what other cities are doing locally and nationally.

Blended Parking Rate

A blended parking rate has also been developed to help to simplify parking calculations. Many uses, such as office, retail, personal services and daytime only restaurants have the same parking ratio. The proposed ratio, of one space for every 350 square feet is more lenient than the current Ordinance for all of these uses. These uses are typically open during the daytime hours, and most of the parking shortfalls are at night. This proposal should not create a parking shortage. This proposal also provides an incentive for patios, especially those that orient toward a sidewalk.

In-lieu Parking

It is difficult for owners of smaller properties to provide parking on their site, especially for an expansion of an existing building. The city's in-lieu parking program allows property owners to buy credits for parking, which allows them to complete their projects. The city uses the funds collected through this program to purchase new parking lots, or to construct parking garages. Currently property owners need to rezone to the Downtown category to use the city's in-lieu parking program. These rezonings have a significant cost, and can take up to 6 months to accomplish. This proposal would allow anyone in the Downtown Overlay to use the in lieu program.

Parking Credit Tracking System

Over the years a complicated system of parking credits has evolved in Downtown. These credits come from sources such as: improvement districts, P-3 zoning, remote parking, credit for on-street parking and evening use parking credits. Staff proposes to create a computerized system to track these credits, and to modify the ordinance to create a system of parking credits for all properties.

Parking Credits

For some properties it is difficult to track where existing parking credits come from. In many cases development occurred so long ago that there are no

records of to show how parking was provided for some Downtown properties. One of the proposals for the Downtown Overlay is to create a new parking credit system that will remove much of this uncertainty. This system will make it easier for Downtown property owners, especially owners of smaller properties to improve their businesses. The new system will give parking credits equal to the parking demand of the existing or most recent use of the property.

Promote Reinvestment

One Time Parking Waiver

Owners of smaller Downtown properties often have a difficult time expanding their businesses because it is almost impossible to add parking to smaller lots. This waiver of parking requirements would allow these smaller businesses to expand without providing any more parking. The waiver would allow properties up to 12,000 square feet in size, that are used for residential, retail, office and personal services, to expand by 2,000 square feet, without additional parking required.

Allow Residential Uses Throughout Downtown

Over half of all of the land in Downtown is zoned either Central Business District (C-2) or Highway Commercial (C-3). Both of these Districts are designed for suburban development, and do not promote residential development. C-3 does not allow residences, and C-2 allows only one residence per business. The Downtown Overlay allows for free standing multi family developments, as well as units located over existing businesses. The maximum number of units is the same as the Multi-family Residential District (R-5), which allows a maximum of 23 dwelling units per acre. This maximum is significantly lower than the 50 dwelling units per acre allow with Downtown zoning.

Modified Development Standards

Open Space Requirements: The current zoning on over half of all Downtown properties is set up to promote suburban style development. Suburban development standards dictate a sizable amount of open spaces for all lots, with a half of all open space occurring in the front. In Downtown setting it is preferable to have buildings closer to the street where it is easier to provide shade for pedestrians and the windows and buildings create more visual interest for pedestrians. The Downtown Overlay remove the open space requirement, and uses a building setback to assure that structures do not loom over the street.

Floor Area Ratio: Floor area ratio (FAR) is a Zoning Ordinance tool that is used to control building massing. The existing zoning districts for over half of Downtown restrict the FAR to 0.8, which means that buildings can cover 80% of a lot. Many existing Downtown properties are already at that limit, and so are prevented from expanding. The Downtown Overlay proposes to allow an additional 0.5 FAR for residential development. The Overlay will also allow the City Council to decide if property owners can have FARs higher than allowed under the current Ordinance. The Council approval will assure that the proposed building will fit into the context of the area.

Urban Design Guidelines

The Downtown Overlay will also require that all projects in Downtown be consistent with the City's Urban Design and Architectural Guidelines.

Address Land Use Concerns*Distinguish Bars from Restaurants*

The Downtown Overlay has new criteria to make sure that there is a clear distinction between bars and restaurants. The new standards address a variety of factors, both operational such as age verification, and physical, such as size of the bar area.

Require Use Permits for New Bars

A mixture of daytime and nighttime uses is important to the health of a Downtown. If pedestrians feel uncomfortable, or uninterested they will often turn around and will not further explore an area. If too many businesses along any given street are closed during the day, it can lead to a feeling of discomfort for pedestrians. Requiring a Use Permit will allow the City Council to determine if a new bar will tip the day and night activity balance for any given area.

Goal/Purpose of Apply the Downtown Overlay (DO).

Applying the Downtown Overlay:

- Will not change the underlying zoning district on any properties.
- Will not allow additional building height.
- Will not eliminate Downtown-zoning districts or prevent property owners from seeking rezoning to those districts.
- Will require that City Council approve conditional use permits in order for any new bars/nightclubs and tattoo parlors to be located downtown. Existing bars/nightclubs and tattoo parlors will be "grandfathered".
- Will require that both new and existing bars and nightclubs submit Management Plans addressing maintenance and security commitments as part of the annual business license renewal process.
- Will promote integration of residential uses into downtown, and will encourage expansion and reinvestment in existing retail, office, and personal service businesses.
- Will allow any property owner within the downtown to purchase parking spaces through the in-lieu parking program (currently only properties rezoned to a Downtown District are eligible for the in-lieu program).
- Simplify parking requirements of downtown uses.
- Promote downtown reinvestment.

IMPACT ANALYSIS**Policy Implications**

Creating a Downtown overlay District and placing the Overlay on parcels located in Downtown Scottsdale creates opportunities for development in properties that do not have downtown Zoning. Development under the Overlay district provides benefits and incentives to existing property and business

owners shifting the emphasis from assembling land and developing large projects to reinvesting in small projects. The overlay also provides additional regulations for properties with and without Downtown zoning, which address land use concerns and enhance the pedestrian friendly nature of Downtown by requiring greater oversight of potentially detrimental uses.

Community Impact.

Downtown is the symbolic center, the heart and soul of the community, it's image and function should be representative of the quality of life that has traditionally made Scottsdale a highly desirable place to live. The implementation of the Downtown Overlay will allow development that fulfills the goals to create a vibrant, diverse, creative environment, in which people can live, work, carry on business and pursue leisure activities. The goals of a successful downtown are a critical part of a vital community.

Community Involvement.

Three open houses were held with constituents within the downtown district including business owners and residents of areas within and surrounding the district. Several individual and group meetings were held with downtown property owners as well as meetings with representatives of the Scottsdale Focus group.

**STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends approval of the City of Scottsdale Zoning Ordinance (Ordinance No.455) amendment and the Downtown Overlay and its application to properties in the designated downtown area.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Monique de los Rios-Urban
Senior Planner
480-312-7898
E-mail: mdelos@ScottsdaleAz.gov

APPROVED BY

Randy Grant
Chief Planning Officer

ATTACHMENTS

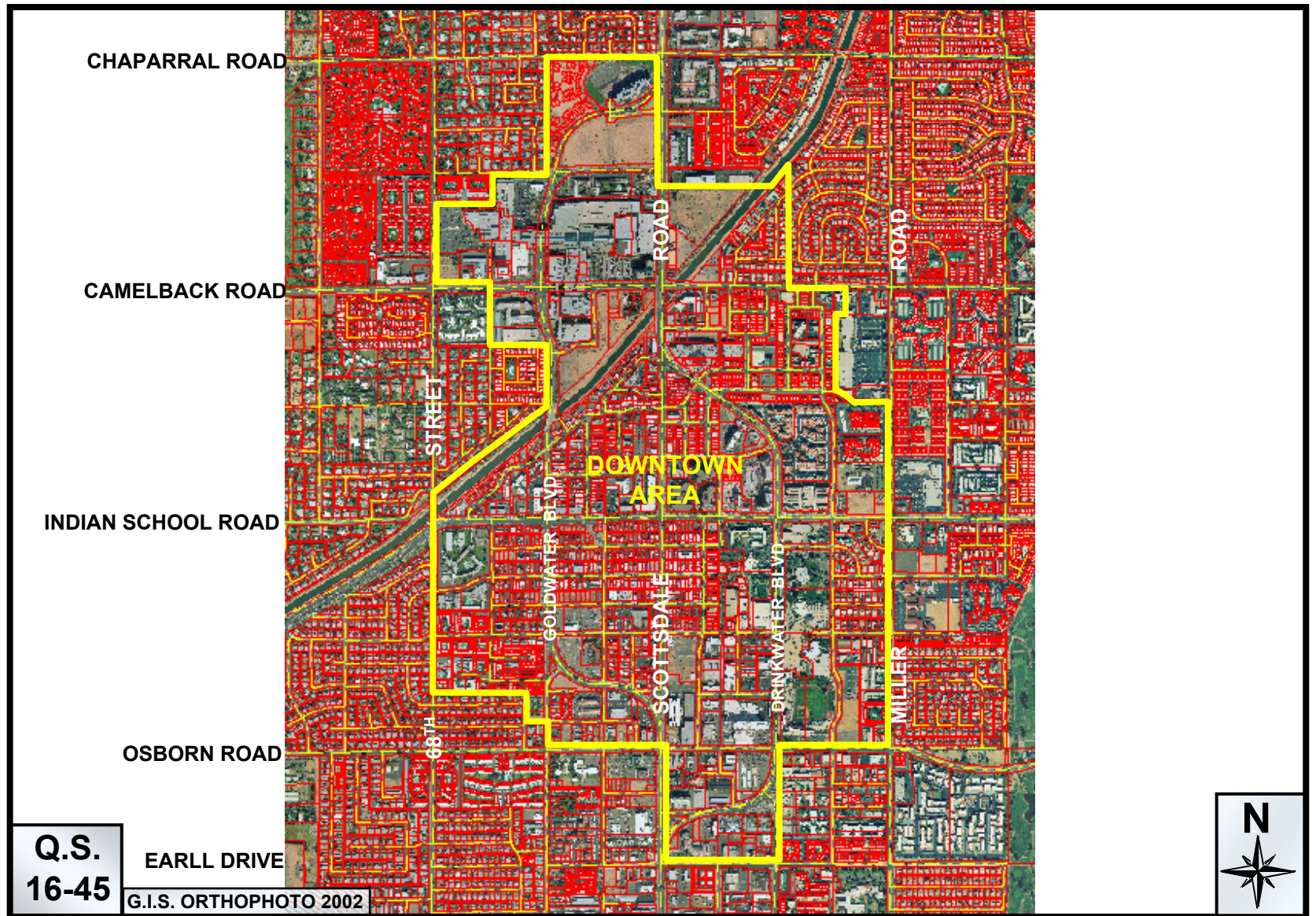
1. Applicant's Narrative
2. Context Aerial
3. General Plan Map
4. Existing Zoning Map
- 4A. Proposed Zoning Map
5. Proposed Ordinance Language
6. Citizen Involvement
7. Downtown Plan General Land Uses
8. Addendum to Proposed Ordinance Language

Project Narrative 1-TA-2003 & 5-ZN-2003

This proposal has two parts: to create a Downtown Overlay (DO) District and to place the Overlay on properties located in Downtown Scottsdale. The application will place the Downtown Overlay on all of the properties shown on the attached map.

The primary purpose of the Downtown Overlay is to create new opportunities for the development or expansion of properties that do not have the Downtown (D) zoning. The Overlay also provides additional regulations for properties with and without Downtown Zoning. Specific objectives of the Downtown Overlay include:

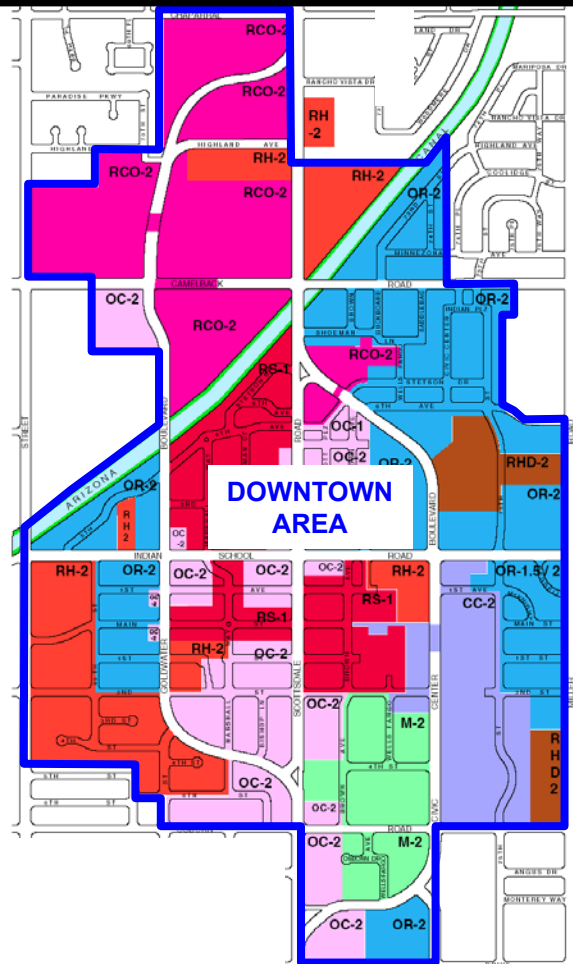
- Maintain a mixture of land uses to keep Downtown vital in the day and at night.
- Allow for more residents in Downtown
- Simplify parking regulations to ease the Downtown development process
- Provide incentives for expansions of smaller Downtown businesses
- Enhance the family-friendly nature of Downtown by requiring greater oversight of potentially detrimental uses
- Assure consistent regulation of design and architecture throughout Downtown











Downtown Ordinance

1-TA-2003 & 5-ZN-2003

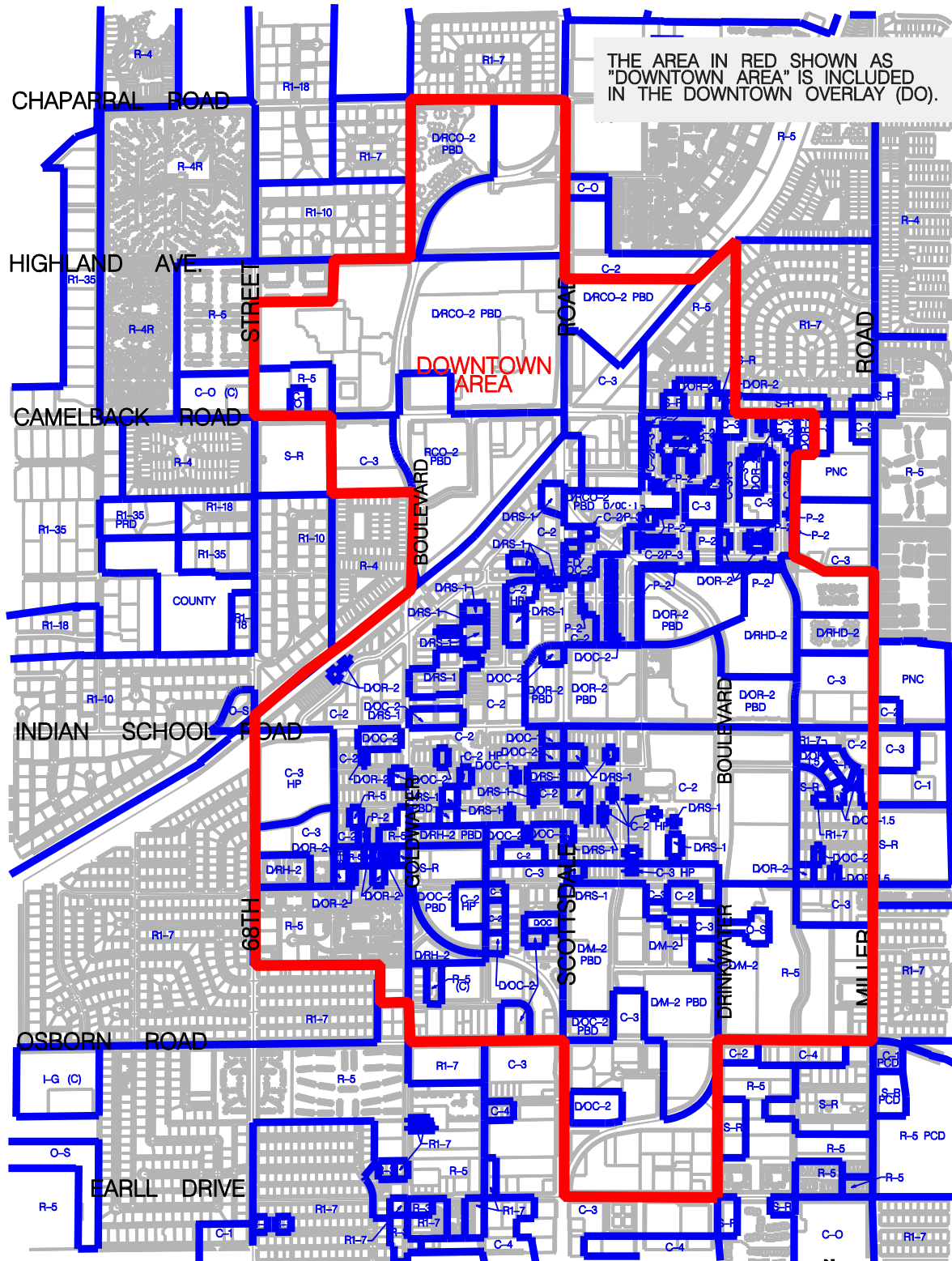
Downtown General Plan



- | | |
|--|--|
|  Retail Specialty |  Residential/Hotel |
|  Office Commercial |  Regional Commercial/Office |
|  Civic Center |  Residential High Density |
|  Office Residential |  Medical |

1-TA-2003 & 5-ZN-2003
ATTACHMENT #3

PROPOSED ZONING



1-TA-2003 & 5-ZN-2003

ATTACHMENT #4A

Downtown Overlay Proposed Ordinance Language

Sec. 5.3000. (D) DOWNTOWN DISTRICT.

Sec. 5.3002. Conflict with other sections.

Where there is conflict between these D downtown district provisions and other sections of the zoning ordinance, these D downtown district regulations (sections 5.3000 through 5.3090) shall except where specifically superceded by the Downtown Overlay, govern development within the D downtown district.

Sec. 6.1200. (DO) DOWNTOWN OVERLAY.

Sec. 6.1201. Purpose.

The primary purpose of the Downtown Overlay district is to create new opportunities for the development or expansion of properties that do not have (D) Downtown zoning. The Overlay also provides additional regulations for properties with and without Downtown zoning. Specific objectives of the Downtown Overlay include:

- A. Simplify parking regulations to ease the Downtown development process.
- B. Provide incentives for expansions of smaller Downtown businesses
- C. Allow for more residences in Downtown
- D. Maintain a mixture of land uses to keep Downtown vital in the day and night.
- E. Minimize the impact of bars/nightclubs on neighboring properties.
- F. Enhance the family friendly nature of Downtown by requiring greater oversight of potentially detrimental uses.
- G. Assure consistent regulation of design and architecture throughout Downtown.

Sec. 6.1202. Conflict with other sections.

Where there is conflict between these (DO) Downtown Overlay district provisions and other sections of the zoning ordinance, these district regulations (sections 6.1200 through 6.1270) shall govern development within the Downtown Overlay district. Properties with (D) Downtown District zoning shall not be subject to these regulations except for the following requirements: regulation of bars/nightclubs, regulation of tattoo and related businesses, provision of parking, and parking waivers.

Sec. 6.1210. Definitions.

Bar Service Area: Includes the floor areas under indoor and outdoor bars and the floor area behind the bars used for the storage, preparation and serving of food or drinks.

Kitchen: Includes only those areas used for the preparation and cooking of food and dishwashing and not refrigerators or areas for the storage of food or beverages.

Tattoo and related businesses: shall include the following services for the human body: tattooing, branding, scarification and piercing. Piercing of the ears and tattoos used for permanent makeup for the face shall not be considered tattoo and related businesses.

Sec. 6.1220. Approvals required.

No structure shall be built or altered without Development Review Board approval to be obtained as prescribed in article I, section 1.900. All development shall be consistent with the city's Urban Design and Architectural Guidelines.

Sec. 6.1230. Land use standards.

- A. Land uses that are regulated through the Downtown Overlay are shown in Schedule A. Land uses that are not listed in Schedule A are regulated by the underlying zoning categories. Land uses that are regulated by the Downtown Overlay are allowed at three (3) levels of permitted activity:

"P"	--Permitted without conditions.
"L"	--Permitted with limitations to size or use characteristics as described in land use classifications (section 6.1240).
"CU"	--Permitted with a conditional use permit.
"N"	--Not Permitted

SCHEDULE A LAND USE REGULATION FOR THE (DO) DOWNTOWN OVERLAY DISTRICT

Use Classifications	
<i>Residential</i>	
Multifamily residential	P

Single-family residential	L(1)
<u>Commercial</u>	
Bars/Nightclubs, except for properties with (R-5) Multiple-Family Residential District and (S-R) Service Residential zoning	CU
Bars/Nightclubs, for properties with (R-5) Multiple-Family Residential District and (S-R) Service Residential zoning	N
Drive-through and Drive-in Restaurants	N
Tattoo and related businesses, except for properties with (R-5) Multiple-Family Residential District and (S-R) Service Residential zoning	CU
Tattoo and related businesses, for properties with (R-5) Multiple-Family Residential District and (S-R) Service Residential zoning	N

ADDITIONAL REGULATIONS PERTAINING TO THE DOWNTOWN OVERLAY DISTRICT

(1) Cannot occupy more than twenty-five (25) percent of the first-floor floor area and cannot be located along street frontages on the first floor.

B. Uses under this section must meet the use permit criteria as specified in section 1.400
CONDITIONAL USE PERMITS.

Additional criteria for bars, nightclubs, tattoo parlors and related businesses.

a. Bar, Nightclub

- Use will not disrupt existing balance of daytime and nighttime uses
- Use will not disrupt pedestrian-oriented daytime activities
- Use will not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use will promote diversity of first floor uses along the street
- An active management and security plan shall be maintained for the business
- Use shall not impact adjacent properties for residential uses
- Applicant shall demonstrate how noise and light generated by the use will be mitigated
- Applicant shall demonstrate that the use will not exceed capacity for traffic and parking in the area
- Required parking for the use shall be within 600 feet of the property and shall not be separated from the property by an arterial street.

b. Tattoo Parlors and related businesses.

- No other tattoo Parlor shall be located within 1,000 feet of the proposed tattoo parlor use.
- The proposed tattoo parlor use, if established shall not be located within

500 feet of residential uses or S-R uses (if occupied as a residential use).

Sec. 6.1240. Land use classifications.

Sec. 6.1241. Residential use classifications.

- A. *Multifamily residential.* Two (2) or more dwelling units on a lot.
- B. *Single-family residential.* One (1) dwelling unit on a lot.

Sec. 6.1242. Commercial use classifications.

A. Bar. A business that: offers alcoholic beverages for sale, is not an accessory use to a hotel and meets any of the following criteria:

- 1. The bar service area is in excess of 15% of the gross floor area
- 2. The kitchen is less than 15 % of the gross floor area
- 3. Age verification is requested for admittance
- 4. A cover charge is required for admittance, except for special events as permitted through the city's special event permit process
- 5. Less than 40 percent of gross revenues are derived from the sale of prepared food
- 6. The full kitchen closes before 9 pm
- 7. A dance floor for patron dancing, which is either permanently maintained or temporarily created by the removal of furnishings, exceeds 100 square feet in floor area

Taverns, nightclubs and lounges shall be classified as bars if they meet the definition above.

- B. *Restaurant.* A business where the primary activity is the preparation, cooking and service of food. An establishment that meets the criteria for a bar shall be classified as such.
- C. *Tattoo and related businesses.* Establishments providing tattoos, branding, scarification and piercing. Piercing of ears and tattoo used for permanent makeup for the face shall not be considered body decoration

Sec. 6.1250. Site development standards.

A. For Municipal Uses that require a Municipal Use Master Plan, the City Council can modify the property development standards of the underlying zoning district.

B. Schedule B prescribes development standards applicable to the (DO) Downtown Overlay district. References in the additional regulations column refer to regulations located elsewhere in the zoning ordinance.

SCHEDULE B SITE DEVELOPMENT STANDARDS

<i>I. Development Requirements within Overlay (All Zoning Districts)</i>			Additional Regulations
1.	Floor Area Ratio (FAR)	0.8	
	a.	FAR bonus maximum	0.5
	Total maximum FAR (excluding residential)	1.3	Section 6.1270
2.	Building Volume	No Maximum	
3.	Open Space	Same as existing	
<i>II. Site Requirements within Overlay (All Zoning Districts)</i>			
1.	Minimum Site Area	None required	
2.	Minimum Front Building Setback	16 feet from planned curb	Sections 6.1251 B 6.1251 C
3.	Minimum Interior Side Building Setback	None	
4.	Minimum Corner Side Building Setback	16 feet from planned curb	
5.	Minimum Rear Building Setback	Minimum of 50 feet when adjacent to single family residential, and minimum of 25 feet when adjacent to multi family residential. No minimum in all other instances except as required for off-street loading and trash storage.	

<i>III. Building Design Requirements</i>		Properties with (S-R) Service Residential Zoning	All other Zoning Districts
1.	Height Maximum (all uses)	18 feet in SR districts, 36 feet in all other districts.	

2.	Building Envelope, starting at a point 26 feet above the building setback line, the inclined stepback plane slopes at:	--	2:1 on the front, and 1:1 on the other sides of a property
----	--	----	--

<u>IV. Residential Density (All Zoning Districts)</u>		
1.	Maximum Residential Density	23 Dwelling Units per Gross Acre

Sec. 6.1251. Additional regulations.

- A. Spacing between two (2) buildings on the same site shall be not less than ten (10) percent of the larger building's two (2) longest adjacent sides at the space (*e.g.* front and side).
- B. Where existing setbacks on forty (40) percent or more of a blockface are less than the specified setback, the required setback on a site to be developed shall be the average setback of the developed portion of the blockface. Section 7.201 (adjustment of front yard requirements) shall not apply.
- C. Buildings fronting on Camelback Road, Indian School Road, and on Scottsdale Road north from Camelback Road and south from Osborn Road to the Downtown Overlay district boundary, shall be set back forty (40) feet from the planned curblane. Buildings fronting on Drinkwater Boulevard and Goldwater Boulevard shall be set back thirty (30) feet from the planned curblane.

Sec. 6.1260. Parking regulations.

The provisions of Article IX shall apply except for the following provisions:

Commercial/Retail Service Uses	Parking Spaces Required
Banks/financial/civic offices	One (1) space per three hundred (300) square feet of gross floor area.
Bars, Taverns, Nightclubs, Lounges	One (1) space per eighty (80) square feet of gross floor area One (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet
Establishments with live entertainment	One (1) space per eighty (80) square feet of gross floor area, plus one (1) space which is available to the live entertainment establishment between 8 p.m. and 2 a.m. per twenty five (25) square feet of gross floor area.
Freestanding stores	One (1) space per three hundred (300) square feet of gross floor area.
Office, business and professional services	One (1) space per three hundred (300) square feet of gross floor area.
Personal services	One (1) space per three hundred (300) square feet of gross floor area.

Restaurants	One (1) parking space for each one hundred and twenty (120) square feet of gross floor area One (1) space for each three hundred and fifty (350) square feet of outdoor public floor area. Exclude the first three hundred and fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded.
Restaurants that serve breakfast and lunch only	One (1) parking space for each two hundred and fifty (250) square feet of gross floor area One (1) space for each three hundred fifty (350) square feet of outdoor public floor area. Exclude the first three hundred fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded
All other uses	As specified in Article IX

Sec. 6.1270. Revitalization Bonus/incentive provisions.

A. *Purpose:* The bonus provisions make available incentives for private sector participation in pursuing revitalization of downtown properties.

B. *Bonus:* Development Review Board may approve a bonus of to 0.5 floor area ratio when it is demonstrated that:

1. The bonus is for retail, office and personal services
2. That existing structures on the property are renovated or remodeled in conjunction with the bonus expansion

C. *Bonus floor area or bonus FAR:* An application for bonus floor area shall be submitted with the application for development review, and shall include appropriate documents and identify features of the project that qualify for the bonus floor area. The bonus shall equal the total floor area on the site, determined on the basis of space used, but shall not exceed the maximum permitted by the FAR ratios in section 6.1250, Schedule B. In large projects with bonus floor area for residential space, each phase of construction must contain an equal proportion of residential space, unless the Current Planning Services Director finds that requirement is infeasible because of the building design. The height and floor area ratio bonuses shall not apply to specialized health care facilities and minimal health care facilities.

D. *Approval for FAR greater than allowed by the Ordinance:* The City Council shall have the authority to review and consider a request to exceed the maximum FAR allowed in Section 6.1250, upon finding that the increased FAR is appropriate and compatible with the surrounding area. Requests should be subject to all public notice and community involvement requirements pertinent to the public hearing rezoning process. See section 6.118.

Sec. 9.104. Programs and incentives to reduce parking requirements.

- B. *Credit for on-street parking.* Wherever on-street angle parking is provided in the improvement of a street, credit toward on-site parking requirements shall be granted at the rate of one (1) on-site space per every twenty-five (25) feet of frontage, excluding the following:

1. Frontage on an arterial, major arterial or expressway as designated by the street classification plan.
 2. Frontage on a street that is planned to be less than fifty-five (55) feet wide curb-to-curb.
 3. Frontage within twenty (20) feet of a corner.
 4. Frontage within ten (10) feet of each side of a driveway or alley.
- The bonus shall not exceed the maximum permitted by the FAR ratios in section 6.1250, Schedule B.
5. Frontage within a fire hydrant zone or other emergency access zone.
 6. Locations within the (D) Downtown zoning district.
 7. Locations within the (DO) Downtown Overlay.

G. *Valet parking.* Reserved.

H. *Credits within the (DO) Downtown Overlay district.*

1. *Purpose.* This parking credit program will ease the process of calculating parking supply for new buildings, remodels or for buildings with new tenants.
2. *Method of calculation.*
 - a. All properties shall be granted parking credits that equal the parking requirements of the current use, or of the most recent use if the building or property is vacant.
 - b. Parking credits granted under this program shall be only for the parking demand that is not met through on-site parking, improvement districts, or remote parking.
 - c. Property owners are still required to pay for any public or private program that allowed them to meet the parking requirements of the current use.
 - d. Any credits that the property has that are in excess of the current parking demand will remain with the property.
 - e. Properties with P-3 Parking District zoning shall have the option of using this method of calculating parking credits, or to use the credits provided by the P-3 Parking District.

I. *Parking waiver within the (DO) Downtown Overlay district.*

1. *Purpose.* This parking waiver is designed to act as an incentive for the expansion of smaller Downtown businesses, whose expansion will have a minimal impact on parking demand.
2. *Applicability.* Upon application, property owners may have parking requirements waived if they meet the following criteria:

- a. Are within the (DO) Downtown Overlay district.
 - b. Are used for retail, office or personal services
 - c. Have a lot size of 12,000 net square feet or less
3. *Limitations on this parking waiver.*
- a. Can be used only once
 - b. Can only be used on first and second floors
 - c. Can be used for retail, office or personal services
 - d. Is limited to a maximum of 2,000 square feet of building size
 - e. Cannot be used on land that was used for parking in the past two years.
4. Residential addition parking waiver - This parking waiver is designed to act as an incentive for the integration of residential uses in the Downtown. One parking space will be required per residential unit, this parking can be reallocated from on site existing parking from other uses.

(Ord. No. 2736, § 1, 3-7-95)

Sec. 9.108. Special parking requirements in districts.

- C. *Downtown Overlay (DO) district (Parking in-lieu only) and Downtown (D) districts.*
- 1. *Parking requirements.* Parking capacity shall satisfy the requirements of the land uses served, and can be provided by any of the following options: on-site parking, remote parking, parking in-lieu payments, or evening-use parking credits, these standards shall not be subject to variances.
 - 2. *Parking in-lieu payments.* A parking requirement for nonresidential uses may be met by a parking in-lieu payment to the downtown parking fund and shall be used for the operation of a downtown parking program which may include, but is not linked to, the provision and maintenance of public parking spaces, the operation of tram shuttle services linking public parking facilities and downtown activity centers, and services related to the management and regulations of public parking. The city shall not be obligated to provide more than twenty (20) such spaces without the express approval of the City Council. Fractional parking requirements may be paid for on a pro rata basis. The amount of the in-lieu fee shall be established by the City Council, and may include penalties for late payment. Parking in-lieu credits may be purchased either as permanent parking credits, or as impermanent parking credits in accordance with the following:

- a. *Permanent parking in-lieu credits:* parking space credits purchased under this permanent in-lieu option shall be permanently credited to the property. These parking credits may be purchased either by installment payments to the city over a fixed period of time, or by payment of a lump sum fee.

Under the lump sum purchase option, purchase shall be made by payment the total fee in the manner described herein. The installment purchase option shall require an initial cash deposit and a written agreement binding the applicant to make subsequent monthly installment payments. The installment purchase agreement shall not create a payment term longer than fifteen (15) years, and shall include payment procedures adopted by the planning and community development department. Payment of the lump sum in-lieu fee or payment of the installment purchase deposit and execution by both parties of the installment purchase agreement, shall be completed prior to the issuance of a building permit of one is required, or to the issuance of a certificate of occupancy.

- b. *Monthly parking in-lieu credits:* Parking credits obtained by payment of a monthly in-lieu fee under this option are only for the term of the activity requiring the parking and are not permanently credited to the property. Properties must first possess a minimum of four and one-half (4 1/2) parking spaces per one thousand (1,000) square feet of net floor area of building, and may thereafter subscribe for additional required parking spaces by paying the monthly in-lieu fee. Payments shall be made in accordance with a written agreement and procedures adopted by the planning and community development department. The first monthly payment shall be made prior to issuance of a certificate of occupancy for the business for whose benefit the monthly payments are made.
-

1-TA-2003 & 5-ZN-2003

Downtown Overlay and Related Amendments

Attachment #6. Citizen Involvement

This attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

Sec. 5.3030. Land use standards.

Within the D district six (6) subdistricts are identified in accordance to their function within the downtown and shown on the official zoning map. Land uses appropriate to each of these subdistricts are identified and shown in schedule A. These land uses are allowed at three (3) levels of permitted activity:

"P"	--Permitted without conditions.
"L"	--Permitted with limitations to size or use characteristics as described in land use classifications (section 5.3050).
"CU"	--Permitted with a conditional use permit.

SCHEDULE A LAND USE REGULATION FOR SUBDIVISIONS OF THE (D) DOWNTOWN DISTRICT

Use Classifications	Retail Specialty Subdistrict	Office/ Commercial Subdistrict	Office/ Residential Subdistrict	Regional Commercial Office Subdistrict	Residential/ Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
<i>Residential</i>								
Day Nursery	--	--	CU	--	CU	--	--	CU
Group residential	--	--	CU	--	CU	L(2)	--	CU
Multifamily residential	L(1)	P	P	P	P	P	P	P
Specialized health care facility	--	--	CU	--	--	P	--	--
Minimal health care facility	--	--	CU	--	--	P	--	--
Single-family residential	--	--	P	--	P	--	--	--
<i>Visitor accommodations</i>								
Hotels, motels, and resorts	CU	P	P	P	P	--	--	CU
<i>Commercial</i>								
Adult businesses	--	CU	--	CU	--	--	--	--
Ambulance services	--	--	--	--	--	P	--	--
Animal sales and services								
Animal hospitals	--	P	--	P	--	--	--	--
Pet stores	L(8)	P	--	P	--	--	--	--
Banks and savings & loans	L(3)	P	P	P	--	P	--	--
With drive-up service	--	P	CU	P	--	P	--	--
Catering services	L(8)	P	--	P	--	--	--	--
Commercial recreation and entertainment								
Game center, pool halls, billiard parlors	--	CU	--	CU	--	--	--	--
Other	L(3)	P	--	P	--	--	CU	--
Communications	--	CU	--	CU	--	--	--	--

facilities								
Small-scale	--	P	P	P	--	--	--	--
Eating and drinking establishments	P	P	P	P	CU	L(2)	--	--
Live entertainment establishment	CU(10)	CU(10)	--	CU(10)	CU(10)	--	--	--
With take-out service	L(3), (8)	L(3)	L(3)	L(3)	--	--	--	--
Drive-through	--	P	--	P	--	--	--	--
Bar/Microbrewery	L	L	--	L	L	--	--	--
Bar/Microbrewery with limited retail and wholesale sales	CU	CU	--	CU	--	--		
Food sales	L(3)	P	P	P	--	--	--	--
Laboratories	--	P	--	P	--	P	--	-
Maintenance and repair services	--	P	--	P	--	--	--	--
Mortuaries	--	CU	--	--	--	--	--	--
Nurseries, plant	--	CU	--	CU	--	--	--	--
Offices, business and professional	L(5)	P	P	P	--	P	--	--
Offices, medical and dental	L(5)	P	P	P	--	P	--	--
Pawnshops	--	P	--	--	--	--	--	--
Personal improvement services	L(5)	P	--	P	--	--	--	--
Health studio	--	P	--	P	--	--	--	--
Massage studio	--	P	--	P	--	--	--	--
Personal and convenience services	L(3), (6)	P	L(2), (3)	P	L(3), (4)	L(2), (3)	--	--
Personal wireless service facilities (see sections 1.400, 1.906, 3.100 and 7.200)								
Minor	--	L(12)	L(12)	L(12)	L(12)	L(12)	L(12)	L(12)
Major	--	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)	CU(9)
Retail sales								
Arts and crafts	P	--	--	P	L(4)	--	--	--
Big box	--	--	--	P	--	--	--	--
Home furnishings and hardware	L(3)	CU(9), (11)	--	P	--	--	--	--
Other	L(3)	P	--	P	--	--	--	--
Pharmacies and medical supplies	--	P	--	P	L(4)	L(2)	--	--
Seasonal art festival	CU	--	--	CU	--	--	--	--
Secondhand appliance sales	--	P	--	--	--	--	--	--
Travel services	L(3)	P	L(2)	P	L(4)	P	--	--
Vehicle/equipment sales and services								

Automobile rentals	L(7)	CU	--	CU	L(7)	--	--	--
Automobile washing	--	CU	--	CU	--	--	--	--
Commercial parking facility	CU	CU	CU	CU	--	CU	--	--
Service stations	--	CU	CU	CU	--	--	--	--
Vehicle/equipment repair	--	CU	--	CU	--	--	--	--
<i>Public and Semi-Public</i>								
Clubs and lodges	L(5)	P	CU	P	CU	--	--	CU
Colleges and universities	--	CU	CU	CU	--	--	--	--
Cultural institutions	CU	CU	CU	--	CU	--	CU	--
Government offices	--	P	P	P	--	--	CU	--
Hospitals, clinics	--	--	--	--	--	CU	--	--
Municipal uses	--	P	P	P	P	--	CU	--
Religious assembly	--	CU	CU	CU	CU	--	--	CU
Schools, public or private	--	--	CU	--	CU	--	--	CU
Transportation facilities	CU	CU	--	CU	--	--	--	--
Limited	CU	CU	CU	CU	--	CU	--	--
Utilities	--	CU	CU	CU	--	--	--	--
<i>Accessory</i>								
Accessory parking, separate	L(8)	P	P	P	--	P	CU	--
Accessory uses and structures	P	P	P	P	P	P	CU	P

Land Use Zones

Regional Commercial/Office - The primary land use of this zone should consist of community / regional levels of commercial and office complexes. Currently it contains Fashion Square, the Galleria site, and the Portales site. The completion of the couplet system will help to spur further development of regional commercial office / residential. These developments will strengthen Downtown Scottsdale as a regional draw. The completion of the couplet and the shuttle connection from Fashion Square to the specialty shopping areas in downtown will be important to the success of this area.

Office/Residential - The primary land uses of this zone should be office and residential. Proper development flexibility with emphasis on land assembly, shared parking facilities, in-town residential mixed-use character. Within this zone is the Scottsdale High School site which will ultimately transition to this use.

Residential/Hotel – The development of residential/hotel uses in this zone will be highly compatible with the adjoining specialty shopping districts. This development will also enhance the seasonal residential and resort hotel uses currently located within this zone. The couplet system provides the access and exposure that this well maintained seasonal residential area requires to continue to develop. Consideration should be given to this land use zone for the location of a conference facility or other resort related uses which could provide an attractive draw for downtown.

Retail/Specialty - The specialty shopping uses should be limited primarily to this land use zone. It currently contains a majority of specialty retail in the downtown area and is a regional tourist attraction containing Fifth Avenue, Marshall Way, Main Street, Old Town, and Scottsdale Mall. The realignment of Marshall Way will better link these shopping districts and add to their already solid performance.

Civic Center - The Civic Center, the symbolic focus of the community, is an important element of downtown. Future expansion of the Civic Center could enable it to accommodate new, important cultural and municipal activities. Consisting of City Hall, Library, Public Safety, Justice Court, Center for the Arts, Senior Center, and Scottsdale Stadium, the Civic Center now enjoys increased exposure and improved access with the completion of Civic Center Boulevard.

Office/Commercial - This zone, which currently contains a variety of office/commercial uses, will continue to provide necessary support services for downtown and the rest of the community.

Medical - This zone will continue to be a major medical service district with a high influx of employees and clients. It currently contains medical related offices and support facilities centered around Scottsdale Memorial Hospital.

Development Types

The development types provide a preliminary pattern for the ultimate physical form (building volume, mass, scale) of Downtown Scottsdale. These types have been located to insure a visual appearance that is compatible with the character of existing downtown landmarks. Specific design criteria based on character, physical form, functional needs and marketability are established for each district. These criteria provide the basis for the development incentive program. The Downtown Zoning Ordinance provides the legal tool for guiding specific development actions in downtown.

The following development type descriptions are recommended as a policy guide which should be used in conjunction with the Zoning Ordinance and Downtown Design Guidelines.

Type 1 Compact – Development District 1 coincided with retail / specialty land uses zones. The demand for a strong pedestrian environment in this shopping zone requires a compact, pedestrian scaled, maximum lot coverage development approach. Emphasis should be placed on arcades, balconies, courtyards, and a variety of design features, which the shopper can enjoy while experiencing this district on foot, or in a slow moving trolley. Special attention should be given to graphics, compatible building materials and architectural style. Moderate heights would be well suited to this rich, well designed specialty environment. Utilization of first levels from retail establishments and upper levels for offices could be an effective use of space allowing for introduction of more daytime users in the area.

Type 1.5 Low Scale – Development District 1.5 is most strongly associated with office / residential land use zones. This standard allows for development intensities appropriate for downtown development, but with setback and height restrictions which would assure compatibility with existing neighborhood developments.

Type 2 Intermediate - Development District 2 relates most strongly to the residential / hotel and office / residential land use zones. Although efforts should be made to achieve a good pedestrian environment, the emphasis of this development type is on intermediate scaled structures of both residential and office types with a strong reliance on efficient auto access. This development type could be characterized as a garden office / residential village with more open space / building setting than type 1. This will allow the building image vital to executive office and the privacy and amenities vital to residential / hotel to occur. Mixed-use projects should be promoted on individual sites and within individual structures. Building in this district could be taller than type 1 structures, allowing for the best achievement of quality design, cost-effective building types and the flexibility required for mixed-use. Office use of levels closer to the street with residential use of upper levels could provide incentives for residential development.

Land Use Policy

The land use policy defines functional relationships, land use types and locations, physical form and a development strategy which will maintain the character and quality of downtown. These policies will assist in the transformation of downtown into a **highly efficient mixed-use center** emphasizing specialty retail, office and residential / hotel uses. This broad land use base should help bolster specialty retail while providing an opportunity for executive office, residential and resort facilities to develop. Close coordination between the public and private sector and development standard flexibility will be necessary in order to carefully manage the design of downtown over the next 20 years. Fundamental to the revitalization of downtown Scottsdale is the understanding that the residents and visitors alike enjoy the amenities that it currently offers.

Development Incentive Program

The **involvement of the private sector is pivotal** to the successful implementation of the Downtown Plan. Flexible development standards which allow the private sector to “reach” for high level of design while assisting the city by providing necessary public facilities is integral to the development incentive program. Within this approach developers who show design innovation in achieving their performance needs, could receive development bonuses. Development bonuses in the form of increased floor area, (ratio of usable building area to parcel size), greater residential density, height, adjustments and street / alley abandonments could be awarded to those developers who assist the city in achieving the Downtown Plan by assembling land, making street improvements, providing shared parking facilities and / or contributing to the shuttle system’s development. Contributions to the downtown should be made based on the needs of particular land use zones established in the land use policy. Potential downtown needs and bonuses are listed more completely in the following table:

Downtown Needs

Land Assembly
Street Improvements
Shared Parking Facilities
Shuttle System
Mixed-Use Projects
Residential Development
Innovative Design
Meaningful Open Space
Historic Building Re-use
Public Transit

Downtown Bonuses

Increased Floor Area Ratios
Height Adjustments
Residential Density Bonuses
Priority Project Processing
Street and Alley Abandonments
Flexible Parking Standards
City Initiated Improvement Districts
City Paid Off-Sites
City Land Assembly (as a last resort)
Property Tax Deferral (or other)

The recommended Land Use Plan identifies preferred locations for primary land uses. Development of land uses which are not in conformance with the Land Use Plan or detract from primary themes of particular zones would not be eligible for bonus incentives.

Addendum to the Ordinance

Proposed new section in the Urban Design and Architectural Guidelines.

1. Drinking establishments should not occupy more than the following percentages of gross building square footage in the following areas:

- a. Area A: 15%
- b. Area B: 20%
- c. Area C: 5%
- d. Area D: 10 %

Figure 1.1

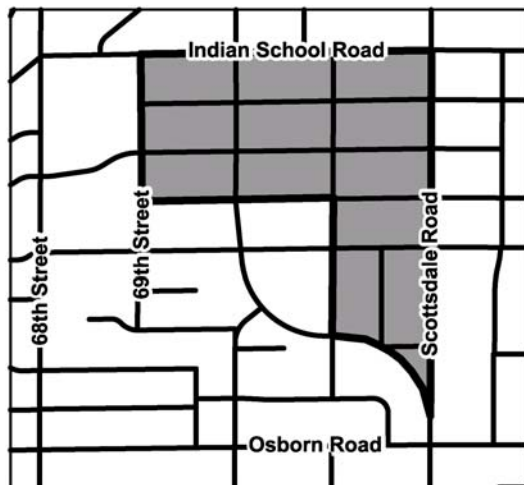
(Areas indicated by shading)



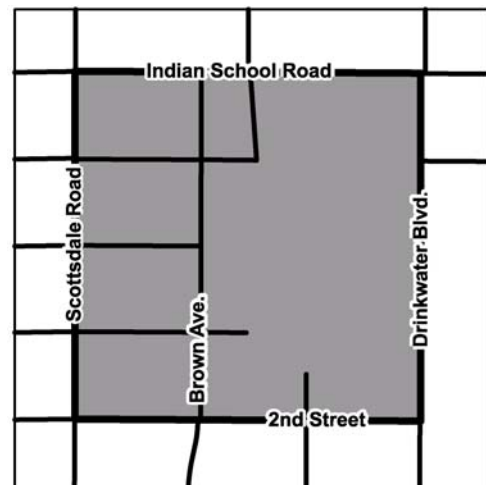
Area A



Area B



Area C



Area D